Preparing your digital legacy

Estate planning tips
for the 21st century

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ACCAN is the peak body that represents all consumers on communications issues including telecommunications, broadband and emerging new services.

We provide a strong, unified voice to industry and government as we work towards communication services that are trusted, inclusive and available for all.
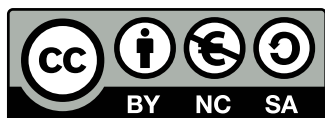
What is a digital legacy?

Throughout our lives, we accumulate a variety of assets. In the past, these have traditionally included things such as houses, cars, finances and other tangible possessions. These assets are considered when drawing up a will in the event of our passing.

Today, as our lives include a greater number of digital accounts, ownership of digital products, and use of digital services, there are significant implications for what is considered our personal property, and how it is archived, inherited or deleted.

Through the use of social media, cloud-based accounts, personal blogs and websites, email and messaging services, as well as the accumulation of online collections of photos, videos and music, we create a digital identity and a digital legacy. These new assets raise questions as to what happens to our digital legacy when a person dies.

Managing digital legacies

If digital assets are not included in a Will, they may be lost forever. Managing digital assets may also help to prevent issues such as identity theft, reputational damage and privacy intrusions.

One approach to managing digital legacies is to create digital register: a record of accounts, usernames, passwords, and requests for these accounts.

A digital register can be prepared in addition to your will by an individual, or with the assistance of a legal specialist in wills and deceased estates. It is also possible within a digital register to request the closure of online accounts upon death so that sensitive or irrelevant material is deleted.

" Including a digital register within a will is generally not recommended, as wills have the potential to become public information in some cases and would therefore expose digital accounts to the public. "

Creating and managing a digital legacy

The process of managing a digital legacy can seem overwhelming, and it can be difficult to know where to begin.

There are five key steps that should be taken into consideration when beginning to organise a digital legacy.

1	2	3	4	5
Identify digital accounts and assets	Create personal digital archives	Nominate digital executor	Outline instructions and wishes	Prepare paperwork

1. Identify digital accounts and assets

An audit of all important digital assets, including social media profiles, domain names, blogs, websites, email accounts, application software, gaming accounts, dating accounts, phone apps, and documents needs to be completed.

2. Create personal digital archive

Create local archives (back-ups) of online personal files. This is increasingly easy to do and most of the larger social media and software companies now offer an option to download content. Thoughtful categorisation of files into archives is a useful thing to do for everyday purposes and will also make the job of delation or distribution of a digital estate easier.

However, once the data is downloaded and stored locally it is also important to consider its safety in terms of privacy. If stored on an external hard drive, for example, consider password protecting or encrypting the disk and keeping it in a secure place, or giving a second copy to a trusted friend or relative for safekeeping.

3. Nominate a digital executor

A decision needs to be made about who is going to manage the digital assets upon the death of the individual concerned. This is often the executor nominated in the person's will. This person should have the technical skills to locate and access accounts, to identify the files associated with these accounts, and to carry out instructions in respect of these digital assets.

Alternatively, a friend or family member may be nominated to assist in this regard. A digital register and associated instructions may be included as an appendix to a will, and like the will, should be kept in a safe place known to the executor.

> **Commercial service providers, like Security Safe or PasswordBox, offer specialist services that can store data and passwords and allow nominated individuals to access accounts and files in the event of death.**

4. List locations, access methods, and wishes for digital accounts and assets

Details need to be provided on where to find digital property or assets, and clear instructions need to be given on how to access files and groups of files, and what to do with them upon death. It is important that information about locations, usernames and passwords are up-to-date and retained securely. Finding and gaining access to accounts after death can be extraordinarily difficult, if not impossible, without this information.

Enabling a digital legacy to be disbursed or deleted as appropriate also reduces the possibility of identity theft and the possibility of reputational damage and distress brought to friends and relatives should privacy be violated upon death.
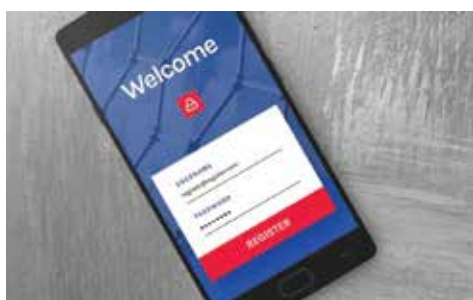
Decisions need to be made as to whether an individual social media profile will be deleted or memorialised. In most circumstances it is best for an individual to make these decisions before their death.

If converting or creating a memorial profile, it is important to consider what content will be on display, who will be able to view it, and who will be curating or moderating any posts or comments made on the site.

5. Prepare paperwork

If accounts are to be closed after a person's death, most service providers require a formal process in which proof of death, such as a death certificate or published obituary, is provided by a person authorised to act on behalf of the deceased (usually the executor of the will). They may also require proof that this person is authorised to act on behalf of the deceased person.

Creating personal digital archives |

Facebook allows individuals to download nearly all the information they have shared on their timeline including photos. There are also expanded options that allow individuals to view cookies, logins, logouts and many other ways of interacting with this platform:
https://www.facebook.com/help/131112897028467/

Twitter allows individuals to download their entire Twitter archive:
https://support.twitter.com/articles/20170160

YouTube allows users to download and archive their YouTube uploads in the original uploaded format:
https://support.google.com/youtube/answer/56100?hl=en

Google allows people to export and download their data from products e.g. Gmail, Google Drive, and Google Photos:
https://support.google.com/accounts/answer/3024190?hl=en

Downloading and archiving an email account such as **Outlook** or **Hotmail** can be done with a software application like Thunderbird:
https://www.mozilla.org/en-US/thunderbird. Once emails have been downloaded, it is possible to export them in different formats and in folders.

Instagram does not offer a direct way of downloading all images and videos uploaded to the app, but third-party sites such as Instaport (https://vibbi.com/instaport/) use Instagram's application programming interface to make them available.

For further information on creating and managing a digital

ACCAN:
http://accan.org.au/our-work/research/1457-death-and-the-internet-2017
DeadSocial:
http://deadsocial.org/
Digital Death:
http://www.digitaldeath.com/
The Digital Legacy Association:
https://digitallegacyassociation.org/
The Digital Beyond:
http://www.thedigitalbeyond.com/online-services-list/
Away for a Bit:
 https://awayforabit.com/
Choice consumer advocacy group:
https://www.choice.com.au/electron cs-andtechnology/internet/using-online-services/articles/digi-
tal-estate-planning