

# Digital Death Survival Guide

Presented at SXSW 2009 at the core conversation "Who Will Check My Email After I Die?"

The general process that we recommend is to list your assets, define your wishes, choose someone to execute your wishes, and provide access and control to that person. Consider creating a spread sheet that lists your assets, defines your wishes, and contains access to those accounts.

The [List Your Assets](#) section will discuss your digital possessions: photographs, videos, writing, and intellectual property that you want distributed after your death. The [Define Your Wishes](#) section will talk about how to specify what happens to your assets upon your death. The [Choose a Digital Executor](#) section will talk about how to choose someone to help execute your wishes. The [Grant Access](#) section will talk about making sure that the people that survive you will be able to access digital accounts and services. Finally the [Services](#) section contains a list of services that can help you.

Note: This is not intended to be a legally binding document. It is intended to be a guide to help you better prepare yourself and your loved ones in the event of your death.

## Introduction

Laws that govern digital assets are in their infancy. What you need to know now is that data is governed many different ways and control and "ownership" of that content changes from state to state and from service to service. Currently control over your content is largely a matter of access and the terms of service.

## List Your Assets

Many of us are creating a body of online content that will outlive us. Some of it will be valuable to your family and friends for either personal or monetary reasons. Some of it may be interesting to the people that will consider you their ancestor. Some of it will be complete rubbish.

The first step is to define your assets

- photos
- videos
- writing
- interactions
- code
- profiles
- intellectual property
- etc

One of the main challenges with managing your online content is the very notion of "ownership" itself. Additionally, there needs to be a separation between the communication medium and the content. You don't own the email address (since the domain is only

leased), but you DO own the content of your emails.

Many online assets are already governed by a "Terms of Service" (TOS). Content such as music may be strictly governed by Digital Rights agreements. Content uploaded into photo, video and social sites will likely be governed by a TOS. Blogs may or may not be governed. We suggest that you read the terms of service at each site and service that you use.

Commercial services that store your content need to be considered. Domain names are leased, not owned, and will be lost unless renewed. Hosting is a paid-for service that terminates after prepayment ends, often with the deletion of all data.

You will need to learn what you "own" and what your rights are before you can begin to give that content to your survivors.

Additionally, you may want to create some communiques to your friends for distribution after your death. There are several forms that this could take. For example, you could:

- send a batch of pre-created emails
- post or send videos to friends
- post messages to blogs and social networks

## **Define Your Wishes**

Once you have defined what your assets are, you need to define what you want to do with each asset after your death. Archive it? Delete it? Give it to someone specific? While estate law varies from place to place, our culture seems to consider a person's will as the definitive place where you define what happens to your assets after you die. We recommend that you discuss these assets with your lawyer when you are creating or modifying your will.

Permanently archiving data is something that is still difficult to do. Expect to see services that offer this in the future, but currently there is nothing that we have found to do this.

Also, list content that you do not want archived and explicitly state that you want it deleted.

## **Choose a Digital Executor**

You may benefit from naming someone your "digital executor." This is especially important if you are responsible for the digital technology for other people (parents, spouses, children) who are less technically savvy. The myriad of accounts, usernames, emails, and passwords can complicate your survivors lives and shut down their connectivity and ability to communicate on the Web.

Even though the law does not recognize and formalize this position, it may be helpful to name someone and have them agree to help your dependents untangle the assets during the transition following your death.

This person can also go through your asset list and execute your wishes, archiving, closing accounts, and deleting data as your wishes state.

## Grant Access

Access to online accounts and services is of critical importance to each of us and our families. Unfortunately there are no formal or universal laws that govern online data. What we do know is that access provides control.

If a trusted person has access to your Facebook account after your death, then they can control what happens to the account. Also, a lot of content that you may consider to be yours is actually "owned" by the service or network that you post it on. Be aware that your content may be deleted once the host organization learns of your death. If you want the content archived after your death, you may need to give someone full access to the account.

The following are critical when addressing access to digital accounts and services:

1. give access to your survivors so that their digital lives are not held for ransom due to lack of access to shared accounts and services
2. give your executor or survivors the ability to carry out your wishes

Your legal will is a public document and is therefore not an appropriate place to store access to your online accounts and services. Additionally, laws concerning access to digital accounts vary from state to state. Some states do not recognize digital assets as part of a will. This forces us to find mechanisms that will give our survivors the access and control they need.

There are several approaches that you can take and several services that you can pay for to help with this issue. The approaches range from lo-fi to high tech, but whichever you choose, you must make sure that the basics are covered.

Create a centralized list/spreadsheet. Start by listing your accounts, such as:

- registrars
- hosting
- email
- social networks
- photography networks
- video networks
- bookmarking services
- blogs
- finance and banking
- bill pay services
- online tools (e.g. Google Docs)
- and many more

For each account, you will want to store the following items:

- name of account
- account number (if any)
- description
- URL
- username / email address
- password
- specify whether the account is paid for or free
- if a commercial account, specify how often the service is paid for

Many online services link to offline elements in your life. Bill pay services may keep your

electric bill paid and your lights on. Mortgages are often paid for online. Make sure to specify the account number of these services so that your lights stay on and the bills get paid.

## Services

Several services have emerged to help you articulate your final wishes or farewells. Here's a sampling of them.

### **GreatGoodbye.com**

<http://www.greatgoodbye.com>

European based email service starting at \$39.00 or \$9.95 per year. Users can draft email messages ahead of time to be sent posthumously along with photos, videos, and audio recordings. The service guarantees that your memorial will remain online for 20 years following your death. Requires that you grant a passcode to a friend or relative who will activate the delivery process. Users are given 21 days to cancel sending after the delivery is triggered.

### **AssetLock**

<http://www.assetlock.net>

AssetLock is an online safe deposit box that allows users to upload files, passwords, and instructions to be released to predetermined individuals at their death. The service also allows for email messages and printed letters to be sent. AssetLock determines you have passed by waiting for a certain number of your recipients to log in and certify your passing. Once your death is confirmed your account will be unlocked (after a time delay preset by you).

### **VitalLock**

<http://vitallock.com>

Claiming to be "The Swiss Bank of Digital Legacy Estates," VitalLock is an online safe deposit box service that has not yet launched. It's the only service we've seen that will work with your attorney to ensure that your data is not released without legal verification of your death.

\*\*The fine print: We take no responsibility for the advice outlined in this document. It is intended to be a helpful guide to help you prepare your digital life for your physical death. Please consult a lawyer to find out the laws in your state and to get proper legal advice.\*\*