

**PREPARING FOR THE DIGITAL AFTERLIFE**

In the days before technology, death was a relatively simple affair: The physical belongings of the person who had died could be carefully sorted through and boxed up, to be divided among friends and family to act as a permanent and tangible reminder of a life.

In the digital age, though, things are not so easy. As well as the physical belongings, of course, there is an entire cyber existence to take care of – Facebook profiles, Twitter accounts, on-line photo libraries, and personal documents. Sites such as My Space and Facebook are littered with profiles of people who are no longer with us. There is something both unbearably poignant and mildly discomfoting about this – here are their photos, thoughts and messages, held forever in a sort of perpetual suspended animation. What happens to these when someone dies?

Although people increasingly live their lives on-line, few bother to specify what should happen to their digital assets following their death. Failure to plan for the digital afterlife can cause problems for those left to sort out the affairs of the person who has died. Without a user name and password, family members can struggle to access valuable web domains and on-line accounts etc.

Graham Jones, an internet psychologist, says that since the advent of photography and home movies, we have grown used to loved ones “living on” after death but that our burgeoning cyber existence definitely poses some additional issues “although some people will doubtless want their Facebook or Twitter accounts to live on after they have died, perhaps as a sort of testament to their life, it would be very unsettling for loved ones to continue receiving tweets or messages to those accounts as if the person was still alive”.

I recently read of a case whereby the person who died had been an active e-bay member. His son believes that there could be up to £1,000.00 in his father’s pay-pal

account but he has been unable to gain access. His father left no Will and no indication of what the password might be. The son emailed the account review team in the hope of withdrawing any funds in the account but all he got back was an automated response. The son telephoned the customer services department and eventually got put through to someone who said they wanted a solicitor's letter confirming that the son was the Executor of the Estate. The son advised the customer services department that he did not have the information and that there was no Will. The response from the customer services department was "that's our policy".

If someone dies without a Will then a copy of the death certificate and proof of next of kin is typically all that is required to release funds from an account if the amount is under £5,000. Banks, life assurance companies and pension providers are all usually happy to deal with the next of kin. This was not the case with pay-pal. In the end, the son in question just gave up. He didn't have what pay-pal wanted and pay-pal therefore would not give the son access to the account.

As solicitors, we draw up Wills for clients on a day to day basis. Clients now need to start thinking about their digital assets. The generations that are into digital services have not by and large started dying yet and so, as Solicitors, we have not yet seen the problems which could emerge. It is quite common that people have not even thought about their on-line accounts. Many people keep their lives on a mobile device that contains e-mails, texts and even a diary. This can make it very difficult for relatives to get at that data if it is password protected. There are also growing amounts of hardware that make it harder to retrieve the data stored on it. Some hardware is perfect for storing documents, contact lists or personal photographs but will keep its secrets forever unless the password is passed on before you pass away. The fact is hardware and software companies concentrate on living customers because they prefer to market their products with excitement and the promise of a great future.

Facebook puts the profile of a deceased person into a memorial state upon notification of their death. Their status is removed, they are withdrawn from any groups and access is sent to "friends only ". Facebook encourages people to use the profile to remember the deceased. They will, however, remove it at the request of the next of kin.

It is heartening that technology companies are developing services that give families a choice. The practicalities of dealing with death can be stressful at the best of times, and these services will at least remove the trauma of having to contact hundreds of websites individually asking them to delete profiles. Several new companies aim to help people avoid such situations. After setting up an account with Legacy Locker, users can upload login details for digital assets and specify who will receive them posthumously. More than 1,500 people have signed up to Legacy Locker since its launch in April, paying for a lifetime subscription. The founder, Jeremy Toeman claims the practicalities of modern life – new on-line services that require the creation of yet another user name and password, the regular changing of old ones by security conscious individuals – can make adding passwords to a Will impractical. Assetlock offers a similar “electronic safe deposit box”, while Slightly Morbid allows members to send an e-mail from beyond, giving them the ultimate final word. Deathswitch is an automated system that prompts users for their password on a regular basis. If it has not been received after several prompts, the system deduces that the user is “dead or critically disabled” and messages are sent to pre-selected recipients. The ability to maintain control of your digital footprint will appeal to many people.

If you want to retain control over your own on-line legacy, it might be worth making your wishes clear before your final status update.

I would suggest that when dealing with the practical question of how to enable your relatives to login to your e-mail or internet profile, the obvious answer seems to be to leave a note of your logins and passwords somewhere safe where they can access them after your death. Various companies mentioned in this article now offer this service. However, don't forget that one of the safest places to store such information free from risk of computer hacking is in your Solicitors' secure storage facility. Here at Busbys, we store our clients' Wills for free and many clients have asked us to store other documents along with their Wills containing wishes about particular things – there is no reason why your login details can't be stored in the same way.

As we all know, January is the time of year when we make our resolutions for the New Year. I would urge you to make and keep a resolution to put your affairs in order. I look

forward to hearing from you. You can contact me on 01288 35 9000 or by email at [sharon.piper@busbyslaw.co.uk](mailto:sharon.piper@busbyslaw.co.uk)

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