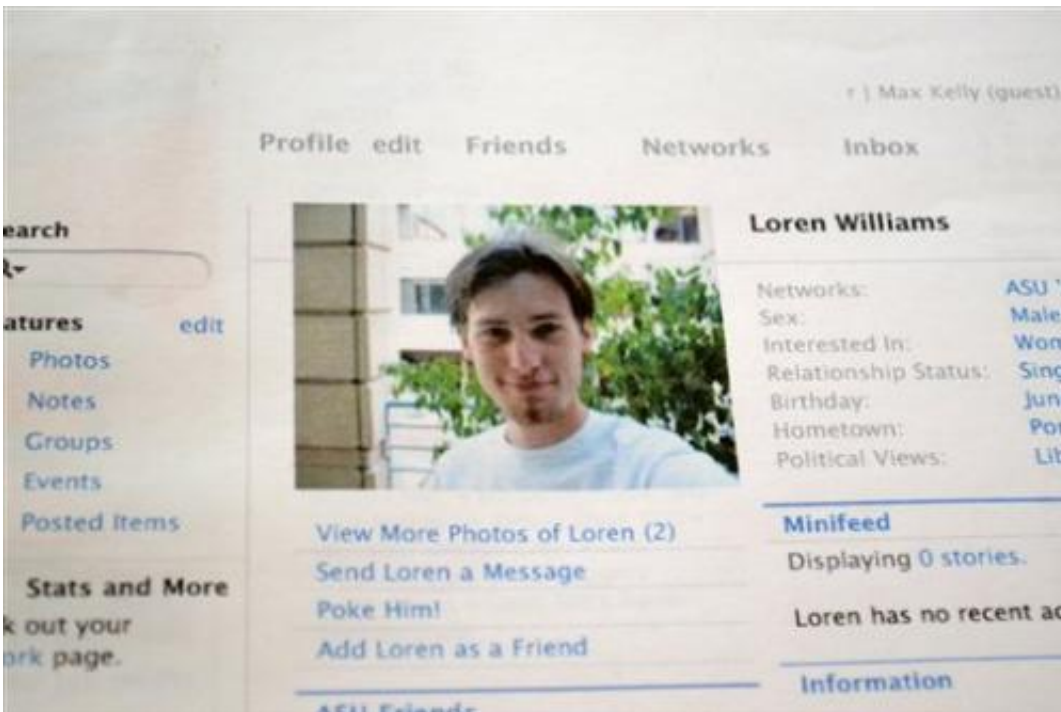


# Bill ensures emails, photos won't die with person

July 17 2014, by Anne Flaherty



This Feb. 16, 2013 file photo shows a printout of the Facebook page for Loren Williams, now deceased, at his mother's home in Beaverton, Ore. A group of influential lawyers says it has an answer to that pesky question of what should happen to your Facebook, Yahoo and other online accounts when you die. The Uniform Law Commission was expected on Wednesday to endorse a plan that would automatically give loved ones access to all digital accounts, unless otherwise specified in a will. The legislation would have to be adopted by individual state legislatures to become law. But if it does, the bill would make "death switches" popular tools in estate planning, allowing people to decide which accounts should die when they do. "This is something most people don't think of until they are faced with it. They have no idea what is about to be lost,"

said Karen Williams of Beaverton, Oregon, who sued Facebook for access to her 22-year-old son Loren's account after he died in a 2005 motorcycle accident. (AP Photo/Lauren Gambino, File)

A group of influential U.S. lawyers says it has an answer to the question of what should happen to Facebook, Yahoo, Gmail and other online accounts when a person dies.

The Uniform Law Commission, whose members are appointed by state governments to help standardize [state laws](#), on Wednesday endorsed a plan that would give loved ones access to—but not control of—the deceased's digital accounts, unless specified otherwise in a will.

To become law in a state, the legislation would have to be adopted by the legislature. If it did, a person's online life could become as much a part of estate planning as deciding what to do with physical possessions.

"This is something most people don't think of until they are faced with it. They have no idea what is about to be lost," said Karen Williams, who sued Facebook for access to her 22-year-old son Loren's account after he died in a 2005 motorcycle accident.

The question of what to do with one's "digital assets" is as big as America's electronic footprint. A person's online musings, photos and videos can be worth considerable value to an estate. Imagine the trove of digital files for someone of historical or popular note and what those files might get at auction.



This Monday, Feb. 27, 2012 file photo shows Karen Williams looking at a portrait of her son Loren Williams at her home in Beaverton, Ore. A group of influential lawyers says it has an answer to that pesky question of what should happen to your Facebook, Yahoo and other online accounts when you die. The Uniform Law Commission was expected on Wednesday to endorse a plan that would automatically give loved ones access to all digital accounts, unless otherwise specified in a will. The legislation would have to be adopted by individual state legislatures to become law. But if it does, the bill would make "death switches" popular tools in estate planning, allowing people to decide which accounts should die when they do. "This is something most people don't think of until they are faced with it. They have no idea what is about to be lost," said Karen Williams of Beaverton, Oregon, who sued Facebook for access to her 22-year-old son Loren's account after he died in a 2005 motorcycle accident. (AP Photo/Rick Bowmer, File)

"Our email accounts are our filing cabinets these days," said Suzanne Brown Walsh, a Cummings & Lockwood attorney who chaired the drafting committee on the proposed legislation. But "if you need access

to an email account, in most states you wouldn't get it."

But privacy activists are skeptical of the proposal. Ginger McCall, associate director of the Electronic Privacy Information Center in Washington, said a judge's approval should be needed for access, to protect the privacy of both the owners of accounts and the people who communicate with them.

"The digital world is a different world" from offline, McCall said. "No one would keep 10 years of every communication they ever had with dozens or even hundreds of other people under their bed."

Many people assume they can decide what happens by sharing certain passwords with a trusted family member, or even making those passwords part of their will. But anti-hacking laws and most companies' "terms of service" agreements prohibit anyone from accessing an account that isn't theirs. That means loved ones technically are prohibited from logging onto a dead person's account.

Several tech providers have come up with their own solutions. Facebook, for example, will "memorialize" accounts by allowing already confirmed friends to continue to view photos and old posts. Google, which runs Gmail, YouTube and Picasa Web Albums, offers its own version: If people don't log on after a while, their accounts can be deleted or shared with a designated person. Yahoo users agree when signing up that their accounts expire when they do.

According to the Uniform Law Commission proposal, the personal representative of the deceased, such as the executor of a will, would get access to—but not control of—a person's digital files so long as the deceased didn't prohibit it in the will. The law would trump access rules outlined by a company's terms of service agreement, although the representative would still have to abide by other rules including

copyright laws.

That means, for example, a widow could read her deceased husband's emails but couldn't send emails from that account.

Williams said she supports letting people decide in their wills whether accounts should be kept from family members.

"I could understand where some people don't want to share everything," she said in a phone interview this week. "But to us, losing him (our son) unexpectedly, anything he touched became so valuable to us."

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