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Who Will Inherit Your Passwords?

Finding lost heirs is nothing new nor is locating assets with physical locations such as safe deposit boxes. Most of us, however, now own "digital property" which has no physical location. Digital property may not only be hard to access after you die, but your family may never even learn of its existence. And the challenge doesn't stop at locating digital property; it extends to email, social networking sites, and blogs. Some families have learned how difficult it can be to access and shut down a loved one's Facebook account after they die.

So who is keeping track of your on-line accounts, passwords, and other financial and personal information stored digitally? After you're gone, how will your family deal with your email, Facebook, or bills you set up for automatic payment and paperless billing?

For those people who die without leaving their family some indication of their digital property, forensic computer services can access a home computer and analyze the data stored there. From there it branches out to on-line (and often paperless) accounts. This process can be cumbersome and expensive. And it may miss information stored on thumb-drives and other portable devices, unless your heirs know these exist and where to find them.

Write It Down

The best way to deal with these issues is to plan in advance. While not perfect, one tried and true method is simply to leave a hardcopy of accounts and other information to make your executor's job easier. One potential problem with this approach is that we all consent to user agreements when we set up accounts on the Internet. These agreements typically prohibit anyone other than the owner of the account from using the password and/or I.D. Further, as a practical matter, having all of this extremely sensitive information in one place on paper obviously poses security risks.

- Consider putting the list in a safe deposit box with other sensitive and valuable property, where your executor will have access after you are gone.
- Some law firms maintain secure vaults, which could be another place to store this list. Remember, only your executor(s) should have access to this list and only after your death.
- Update this list at least annually and destroy the old one. Even if

Who could find, access and shut-down your on-line accounts should you die?

the information on the list is stale (because you have changed your password, etc.), having access to the list at least lets your executor know of the existence of an account or e-mail address, which is a good starting point.

On-line Options

There are also websites and software for gathering all of your passwords in one place; only after your death can the person you have designated access them. These sites can be useful, assuming you are comfortable with their level of security (at this point, many are still start-up businesses). Despite all of the advances in technology, it may still be that a single copy of a written document stored in a safe deposit box or vault is more secure than information stored on-line, no matter how sophisticated its encryption and other safeguards.

Finally, Facebook

As for social networking sites, neither Facebook nor MySpace, the two most popular social networking sites, will release a deceased person's password to anyone under their current policies. This means that you cannot access a loved one's social networking account without knowing his or her password. Eventually, the sites will permit a family to close the account, but only after the family has gone through the required process which can take quite some time to complete.

Accounting for your digital property has become an important part of estate planning. For more information please contact your Hemenway & Barnes attorney or the author:

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