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C O U N S E L L O R S A T L A W

Facebook, Flickr, YouTube, Twitter - Where does it go when you do?

January 28, 2011 by Deirdre Wheatley-Liss



Anyone reading this blog post likely has a rich social media life - you keep up with friends and family on Facebook, you share pictures on Flickr and videos on YouTube and the like, you may have a following you tweet to, you are active on message boards, you blog, or you are active in one of the thousands or other social media sites that have become part of the fabric of our lives. This begs the question asked by Ken Strutin in the New York Law Journal: "What Happens to Your Digital Life When You Die?"

The problem - law has not kept up with society, or a Strutin puts it "Courts and legislatures have only begun to reckon with the disposition of digital assets when no one is left with the knowledge or authority to conclude the business of the cyber-afterlife."

The first question - does an executor even have authority to have access to or control of your digital afterlife? Some states, like Oklahoma, have created laws granting that authority - most have not. What does that mean for you? Your Will should specifically grant your executor the right to access your social media and cyber-sites.

Does your cyber life have tangible value? Are you addressing who should get that value should you no longer be here? Do your parents want your e-book business, or would your sister be able to make better use of it?

Finally, regardless of the legal authority to access your digital life, have you given your family the means to by sharing passwords? I've previously blogged about the importance of having this information somewhere that someone can access - and updating it regularly - in Your Online Afterlife and You Die - and Your Passwords Die With You.

Thank you to Furia Rubel Communications for bringing this article to my attention.

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