



LIVING (AND DYING) IN A DIGITAL WORLD

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If Madonna were recording her famous 1984 hit today, it might go something like this:

"Some boys Facebook me

Some boys Instagram me

I think they're ok

If they don't give me proper credit

I just un-friend them away

They can text and they can iMessage

But they can't see the light (that's right)

'Cause the boy with the most BitCoins

Is always Mister Right

Cause we are living in a digital world

And I am a digital girl"

Let's face it. While we still walk and talk in a material world, we also live in an evolving digital world. We store our family pictures in the Cloud. We read our ebooks on our Kindles. We watch movies and TV series on our iPads from Netflix or Amazon libraries. We check bank balances online, pay our credit cards using our phones, pay for piano lessons with Popcash. We own Bitcoins, Paypal accounts, eBay accounts, Facebook pages, Twitter feeds, website domain names, apps. We email, Text, iMessage, and

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Instagram.

We conduct our social lives, our personal lives, and our financial lives on the internet, a new reality we've embraced, or at least learned to live with. But consider what would happen to your digital life if you were unable to manage it on your own? Who will step into your virtual shoes after you're gone?

Think about the hoops you've jumped through to retrieve a forgotten user ID or password. Ramp that frustration up by 1000 watts for your loved ones struggling to access your digital assets after your death.

With some preemptive planning on your part it does not have to be this way. Start with the following steps for managing your digital world even after you're gone.

Select Your Successor

Identify a trusted, computer savvy person to act as your "Digital Agent." This individual will access your computer, your email, and your online accounts in your absence. The Millennial in your family might be perfect for this job, or perhaps a capable good friend. As with all estate planning, talk to this person now and let others know your plans.

Put It In Writing

Once you have identified your Digital Agent, the next step is to give him or her the legal authority to act on your behalf. This must be done in writing, typically by updating your estate planning documents. The following recommendations should be considered.

Address the possibility of your incapacity by updating your Durable Power of Attorney for Property to include language specifically giving authority to your Digital Agent to access your devices and digital assets during your lifetime.

Address the event of your death by updating your Will and Living Trust to give your Digital Agent express legal authority to take control of your digital assets. This person could be, but does not need to be, the same person you have selected as your executor or trustee. *Remember, your Will becomes a public record after your death, so do not include any specific digital asset or password information in your Will.*

Instructing your Digital Agent to close down accounts that are no longer needed will help to protect your family from identity theft after you are gone. If you want an account to be closed, your Digital Agent may want a copy made and saved first, especially if it contains photos or writings.

If you have a website or blog that you wish to continue, leave instructions for its maintenance or disposition. Make sure your Digital Agent has a list of all of your sites that currently produce or could produce revenue (e-books, photography, videos, blogs). If your computer or hard drive stores items that you want to pass on (family photos, ancestry research, a book you have been writing), save them in a "Do Not Delete" folder and include that folder on your inventory list.



Each of your accounts is governed by its own Terms of Service. Take advantage of online sites that allow you to give instructions now for later events.

In May 2013, Google became the first site to give users options for managing their content if they become incapacitated or die – there are choices to be made with regard to timelines, deletions and destinations for your content.

Facebook allows you to decide in advance whether you want your account memorialized or permanently deleted upon your death. Memorialized accounts offer a place for friends and family to gather and share memories after a person has passed away. Facebook also allows you to designate a legacy contact who will have access to your photos, videos and friend list and who can download an archive of your shared information after your account is memorialized.

Maintain An Inventory of Your Digital Assets

Gone are the days when an executor would simply collect a deceased loved one's mail for a month or two to identify his or her financial assets after death. And while paperless statements are good for the environment, they can be disastrous for those you leave behind.

Collect and maintain an inventory of all of your digital assets, as it could be the only such tool for your heirs. Include all of your important sites, bank and brokerage accounts, memberships, subscriptions, applications, passwords, and contact information. Include financial accounts as well as social accounts and sites that hold emotional and sentimental value to you and your loved ones.

A sample inventory would include the following information for each asset: description, web address, user ID, pin, password, account number, answers to security questions, and other instructions. Listing these assets by category will make the task less intimidating.

Cleaning up and organizing your desktop and files would be a thoughtful thing to do as well. Categories might include:

Hardware: computers (laptop, desktop, work computer), hard drives, back-up drives, flash drives, iPods, cell phones and cameras. Include a general overview of where they are located and what is on each one.

Software: Include Word and Excel documents, Quicken or Quickbooks for financial records, tax preparation programs and past tax returns.

Social Media and Online Presence: Facebook, Twitter, LinkedIn, Flickr, YouTube, your own website, your blog, online backup sites, online photo and work document storage sites.

Online Accounts: Bank and other financial accounts, email accounts, website and blog hosting and registration sites. Amazon, other shopping sites, and bills that you pay online may also have your credit card or bank information stored on them.

Keep Your Inventory Current and Secure



Creating and regularly updating your list will present challenges of its own, as accounts are opened or closed, websites change, and passwords expire. Compounding this challenge is the need to keep this list safe and secure during your lifetime, yet easily located and accessible to your digital agent when they need it. There is no one solution for all of us. Typically, a person has 40 accounts with passwords, and 71% choose to memorize those passwords.

You might choose a password protected folder or Excel spreadsheet on your computer (so long as your Digital Agent knows how to find and open the inventory). Others may choose to use an online password storage system, such as Assetlock, PasswordBox, SecureSafe, Deathswitch, or 1Password.com.

Keep in mind, though, that all online systems are vulnerable to hacking and identity theft.

Remember to create a backup of your list, whether on hard copy or jump drive. Store the backup in a secure place, such as a safety deposit box.

Get Started Right Away

It is, of course, daunting to organize all this information, but it is absolutely worth the time and effort. If you don't, your loved ones may not know where to begin, and valuable items may be overlooked or lost. As with traditional estate planning, the more you do now, the easier it will be for your family later.

If you would like more information on planning for your digital assets, please contact Mary Kruit McWilliams at 312/840-7081 or mmcwilliams@burkelaw.com.