



Digital Legacy Planning

Failing to keep track of all your online accounts and assets could cause headaches and heartache for family members if you haven't considered what happens to your digital legacy presence you leave behind when you pass away. So far the development of technology is ahead of law and policy in the area of digital media.

Since 2014, the Law Society has been recommending that people leave clear instructions about what should happen to their digital assets after death. Having a list of all your online accounts, such as email, banking, investments and social networking sites will make it easier for family members to piece together your digital legacy, adhere to your wishes and could save time and money. Digital assets can also include music, films, email accounts and computer game characters.

Law Society president Nicholas Fluck said: *'As technology has evolved, so has the way we store information. Simple things such as photographs, which in the past we could have flicked through in a printed album, are now stored online. By making our wishes clear now, it will be easier for loved ones to recover pictures to cherish and will help with the more practical issues such as online bank accounts.'*

We create and scatter our thoughts, photos, and videos widely; we buy and sell things and pay bills online and enjoy the convenience of online banking. When was the last time you paused to take stock, organise, or think about contingencies and what will happen to it all if you were no longer here? People born in the past 20 years or so who have grown up with the internet, email, texting, social media, and online banking, will face a very different scenario about the long-term preservation of their personal records, all of which may be digital? Unlike a collection of letters or a photo album sentimental digital items could be lost forever.



In today's day and age more and more people are building up a valuable collection of electronic books, music and films but few of us think of these as 'assets' in the same way as their physical equivalents. In the past many people would gift their record collection or library of books to family members or friend so how do these assets fit into your estate in the digital age?

The truth is that many digital downloads be it text, music or film aren't actually owned by you. You have simply purchased a license allowing you access to the material for your lifetime. When you die, the license normally dies with you. For any sizeable collections you have built up it is worth checking with the providers what would happen in the event of your death and whether the collection could be bequeathed.

It is also worth making a note of any regular subscriptions you have to online services, such as music, film or other entertainment sites. Unless these are cancelled, accounts could continue to be debited at least until bank accounts are frozen following the provision of a death certificate.

It's not just digital assets you need to consider but also your digital presence. This would include any social media such as Facebook, Twitter, LinkedIn etc. as well as any email or e-commerce accounts like eBay that form part of your digital footprint.

Many people want to close the online accounts of loved ones who have passed away, but different companies have different requirements before they will allow this. Sadly, many of us will have received birthday reminders or the like for departed family and friends.

A Co-operative survey found that while almost all bank customers now have access to their accounts online, three out of four have not made any arrangements for the details to be passed on. The poll of more than 2,000 adults also discovered that almost 80% of those who attempted to manage online bank, utility, shopping and social media accounts following a death said they had experienced problems.

However the Law Society warns that an executor using a password or PIN to access an account after a death may be guilty of a criminal offence under the Computer Misuse Act which was passed in 1990. This is the same as an executor not being able to access a bank account of the deceased even if they have knowledge of the password. In some cases it is against the Terms and Conditions of an account to give a password to someone else.



Some websites have very clear instructions about their procedures for notifying the company of the death of their customer. Unfortunately it is very difficult to find this information on other sites and it is often hidden in the very small print of the Terms and

Conditions if present at all. With a little thought now, preparing your digital legacy could remove further stress and burden for your loved ones.

Whilst it is important that you should not overlook digital assets as part of your estate, details of passwords or PINs should never be included in a Will, as it could become a public document after your death.

It may not seem important to close these down immediately but your digital accounts will often retain sensitive bank account or credit card details. Payment services such as Paypal or online betting accounts may maintain a balance that should be returned to the estate.

Let us know if you think we can help. You can contact us on 01509 610472, or at www.chestertonhouse.co.uk.

This factsheet is provided for general information only and the contents should not be construed as advice.

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Digital Legacy Log

Provider	Account Number /Username <i>(do not detail password or PIN)</i>	Instructions
Amazon (inc LOVEFiLM, Kindle)		
Dropbox		
eBay		
Facebook		
Flickr		
Foursquare		
Google+		
Instagram		
iTunes		
Just Giving		
LinkedIn		
Netflix		
Paypal		
Pinterest		
Skype		
Snapchat		
Spotify		
Training Peaks		
Tumblr		
Twitter		
WordPress		
YouTube		

