



## Social Media, Digital Legacy and Digital Immortality

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### Overview

- Death
- The Power of Dead Hands
- Digital Asset Management
- Digital Immortality



### Some Scenarios

- Peggy blogged about her battle with cancer on her Facebook site. She died. Family continued the blog.
- A husband has a heart attack in the office and dies. Spouse did not know he had stock options that were about to expire, since all communication was to his online account. She suffered a \$19,000 loss.
- Blogger Leslie Harpold – left lots of online content behind; followers and friends wanted it kept online. Family had it permanently deleted from the Internet.

### Death

*Let no one weep for me, or celebrate my funeral with mourning; for I still live, as I pass to and fro through the mouths of men.*

**Quintus Ennius**

### Death

**The probability of death is 100% for everyone who has been born.**

Heart Disease (1 in 6)

Cancer (1 in 7)

Car Accident (1 in 98)

Legal Execution (1 in 111,779)

Lightning (1 in 124,906)

### Death is Relative

Africa: Hippos kill 2,900 people a year

Russia: Falling Icicles kill over 100 annually

US: Vending Machines kill 10-13 people each year!



## Power of Dead Hands

Individuals in the US have more control over their assets when they pass away than in any other country.

- Various legal constructs and creative financial and legal instruments
- With conditions, restrictions, obligations, etc.

## Power of Dead Hands

Public Interest

- Law of perpetuities
- Does not offend public morality (undue hardships or burdens)
- Serves the public good (family obligations and charitable trusts)

## Digital Asset Management

- Digital Artifacts
- Digital Footprint
- Digital Presence
- Digital Property (IP and beyond)
- Digital Possessions
- Digital Dirt/Clutter/Litter
- Online Stuff

## Digital Death

- What happens online when you die?
- <http://www.lifeinsurancefinder.com.au/infographics/what-happens-online-when-you-die/>



### Digital Asset Management

- Facebook Status Updates
- Twitter Tweets
- Blog Posts
- Online Subscriptions
- Online Photo Collections

### Digital Asset Management

- It is estimated that individuals in developed countries will create approx. 88 GB of data in their lifetime.
- Less than 35% of Americans have a will, trust, or power of attorney.
- Less than 1% have thought about their digital assets when they pass.

### Digital Asset Management

- Businesses and corporations also create tons of digital data – from internal sources such as reports to end-user content generated and gathered from their social media forum sites.
- Who has access to this data and where it is stored in the company?
- Who knows the account ids or passwords?

### Digital Asset Types - Personal

- Accounts w/Credit Card Info (Amazon Lands End, etc.)
- Adult Content Accounts
- Airline Frequent Flyer Mile Accounts
- Bank & Financial Accounts (Stocks, etc.)
- Computer, Laptops, Tablets, Cell Phones (technology devices)

### Digital Asset Types - Personal

- E-bay, Craig's List, Angie's List, iTunes, etc.
- Personal E-Mail Accounts
- Photo & Video Sites (Flickr, Vimeo, YouTube)
- Lifestyle Specific Accounts (Ancestry.com, Food.tv, etc.)
- Medical & Genetic Information Accounts (including Pharmacies)

### Digital Asset Types - Personal

- Online & Social Games (Words w Friends, Farmville, Wii, Second Life, WOW)
- Online Bill Pay Systems (Paypal, etc.)
- Shared Accounts (ex. Google Docs)
- Social Media Accounts (Tiwttter, Facebook, LinkedIn)
- Voice-Mail Accounts (Google Voice, etc.)

### Digital Asset Types - Personal

- Basically, the combination of many points of personal, digital interaction in the online space.

### Digital Asset Types - Business

- Bank and Financial Accounts
- Client Account Systems
- Employee E-mail Accounts
- Human Resource Systems (online)
- Payroll Systems (ADP, etc.)
- Procurement/Vendor Accounts (w/ Company credit card info)

### Digital Asset Types - Business

- Business Social Media Accounts (who owns employee social media accounts??)
  - What’s in the social media policy?
  - What is the “name” of the account?
  - How is the account used?
    - Twitter Followers – US Case
    - LinkedIn contacts – UK Case

### Digital Asset Types - Business

- What is the value of the accounts to the business?
  - The account vs. the content of the account?
  - How do you measure the value of digital assets?
  - Will the number of Twitter followers affect the value of a M&A?

### Digital Legacy Plan - Personal

- Educate yourself on the importance of organizing their digital accounts and preparing what you want done with these items when you pass.

### Digital Legacy Plan - Personal

- If not prepared for, then these digital possessions, expressions, and artifacts become lost, closed down, deleted, removed, stolen or disclosed to those who do not need to know for one reason or another. (New meaning to “ghosts in the machine.”)
- These digital assets chronicle life, history, identity and wealth.

### Digital Legacy Plan - Personal

- Make a list. Inventory the digital devices, online accounts, subscriptions, etc.
  - Name of account
  - Site or company account is with (& web address)
  - Access codes
  - Answers to security questions
  - Expiration and renewal dates for domains, etc.

### Digital Legacy Plan - Personal

- Review the list and note next to each one what is to be done with the account when the client passes.
  - Delete
  - Give password to spouse, child or other
  - Convert to Memorial Page (ex. Facebook)
  - Other

### Digital Legacy Plan - Personal

- Review the list a second time and read the Terms of Service for the online accounts.
  - Do they permit the account to be transferred or not?
  - What do they need to close the account or transfer it – death certificate, obituary, etc?

### Digital Legacy Plan - Personal

- Delta reserves the right to de-activate or close an account under the following circumstances:
  - Fraudulent activity occurs
  - A member requests an account closure
  - ***A member is deceased***
  - A member does not respond to repeated communication attempts regarding the status of his/her account

### Digital Legacy Plan - Personal

- Membership numbers are nontransferable.
- Only one person may be enrolled per SkyMiles account.
- [http://www.delta.com/skymiles/about\\_skymiles/membership\\_guide\\_program/skymiles\\_rules/index.jsp](http://www.delta.com/skymiles/about_skymiles/membership_guide_program/skymiles_rules/index.jsp)

### Digital Legacy Plan - Personal

- For Facebook: Online Form to Convert Personal Account to Memorial Page:
- [https://www.facebook.com/help/contact.php?show\\_form=deceased](https://www.facebook.com/help/contact.php?show_form=deceased)

### Digital Legacy Plan - Personal

**Report a Deceased Person's Profile**

IMPORTANT: Under penalty of perjury, this form is solely for the reporting of a deceased person to memorialize.

Full Name:

on the account

Account email addresses:

which may have been used to create the account

Web address (URL) of the profile you would like to report:

Please copy and paste the web address (URL) of his/her profile.

Relationship to the person:

Please select

Requested action:

Please select

Proof of death:

an obituary or news article

### Digital Legacy Plan - Personal

- For Twitter: Fax or mail required information and documents.
- <http://support.twitter.com/groups/33-report-a-violation/topics/148-policy-information/articles/87894-how-to-contact-twitter-about-a-deceased-user>



## Digital Legacy Plan - Personal

The screenshot shows the Twitter Help Center interface. The main heading is "How to Contact Twitter About a Deceased User". Below the heading, it states: "In the event of the death of a Twitter user, we can work with a person authorized to act on the behalf of the estate or with a verified immediate family member of the deceased to have an account deactivated." It then lists the required information for account deactivation:

1. The Twitter account's username (e.g., @username and twitter.com/username)
2. A copy of the deceased user's death certificate
3. A copy of your government-issued ID (e.g., driver's license)
4. A signed, notarized statement including:
  - Your first and last name
  - Your current contact information
  - Your email address
  - Your relationship to the deceased user
  - Action requested (e.g., "please deactivate the Twitter account")
  - A link to an online obituary or a copy of the obituary from a local newspaper (optional)

## Digital Legacy Plan - Personal

- For other online sites check out *Deceased Accounts*.
- Online resource of “documentation and best practices from on-line account providers on how to close, transfer or change accounts of deceased users.”
- <http://www.deceasedaccount.com/>

## Digital Legacy Plan - Personal

Service Name	Options	Process	Time To Process	Provider Link	Inactivity Delay	Action
Amazon Marketplace		Amazon Marketplace does not provide any details regarding accounts of deceased users				Update Us
AOL	Close Account	Call member services at: (800) 827-6364		AOL FAQs		More Information
Aol Instant Messenger		Aol Instant Messenger does not provide any details regarding accounts of deceased users				Update Us
bleetbox		bleebox does not provide any details regarding accounts of deceased users				Update Us
brightkite		brightkite does not provide any details regarding accounts of deceased users				Update Us

## Digital Legacy Plan - Personal

- Think about a “digital executor.” This may or may not be the same individual who is the executor named in the will.
- This person must be someone you trust, technology savvy, and doesn’t mind the work.
- You should speak with the person beforehand.

### Digital Legacy Plan - Personal

- Review the plan with your attorney.
- Digital property, same as tangible property, may be subject to state laws covering succession and distribution.
- A few states already have legislation dealing with online accounts of the deceased – Oklahoma, Rhode Island, Connecticut and Idaho.  
[http://www.deceasedaccount.com/laws concerning on line accounts of the deceased](http://www.deceasedaccount.com/laws_concerning_on_line_accounts_of_the_deceased)

### Digital Legacy Plan - Personal

- Put the list/plan away in a safe place or they can use an online service, such as Entrustet, Legacy Lockers, etc.
- <http://www.thedigitalbeyond.com/online-services-list/>
- Caution: This can be emotional for you and no one likes to think of death. Some of these services send periodic emails to see if you are still alive and mistakes happen. Reviving someone who is not dead is a long, tedious process.

### Digital Legacy Plan - Personal

- Do not put the list in your will. The will becomes a public document and then any stranger could have access to your passwords, and other sensitive information.
- Make sure you keep the list/plan updated with new accounts, disabled or terminated accounts, changes of passwords, security questions, etc.

### Digital Legacy Plan - Personal

- Talk to whoever needs to know about this – spouses, children, siblings, significant others, etc.
- Another note: Keep in mind that “same-sex” marriage/civil union laws may also affect this issue. Know the law in your state in regards to disbursement of assets as it relates to same-sex couples.

### Digital Legacy Plan - Personal

- Great Book for You to share:
  - Your Digital Afterlife, by Evan Carroll and John Romano.
  - [www.yourdigitalafterlife.com](http://www.yourdigitalafterlife.com)

### Digital Contingency Plan - Business

- Check your business policies and procedures regarding IT, IP, social media, and other digital media.
- Do they lay out the procedures for when employees leave or are terminated from the company as it relates to digital accounts, assets, etc.?

### Digital Contingency Plan - Business

- Is this issue addressed in the employment agreements used by the company?
- Keep in mind the “work for hire” doctrine and trade secrets.
- Are employees (managers and staff) trained in regards to this issue so they know what they can and cannot take when they leave the employment of the company?

### Digital Immortality

- What if you didn’t have to die?
- The Buddhist believe that death does not end life, it just ends the body we inhabit. This begs the question then of what is life for a human, what does it mean to be alive, if we can be “alive” without our bodies, then we can be immortal – just download our brain to an avatar and viola!

### Digital Immortality

- Dr. Stuart Armstrong, research fellow, future of Humanity Institute, University of Oxford, suggests: “if this avatar or robot is to all intents and purposes you, then it is you.” What legal consequences will that have? Can this avatar “you” sign documents, give away assets, get married, have other children? How do these change your rights to your assets in real property and online?

### Digital Immortality

More questions:

- Is “immortality” more than just e-memory?
- What would be the ethical, legal and social implications of digital immortality?
- Will these “digital personas” have rights?
- What happens to their publicity rights if they are celebrities, etc.?

### Digital Immortality

More questions:

- A question does come up about funding this kind of “immortality” – it is not cheap.
- Will we have another “universal access” debate of whether only the wealthy can afford digital immortality and the poor will be erased/deleted from humanity’s memory banks?

### Additional Resources

- New York Times, *Cyberspace When You’re Dead*, January, 2011  
<http://www.nytimes.com/2011/01/09/magazine/09Immortality-t.html?pagewanted=all>
- Forbes, *Digital Death & Digital Afterlife: Serious Business*, April, 2011  
<http://www.forbes.com/sites/boninbough/2011/04/11/digital-death-and-digital-afterlife-serious-business/>

Q&A



Thank you!



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