

# ESTATE PLANNING FOR DIGITAL ASSETS (PART 2) SOCIAL MEDIA CONTENT

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Planning for what happens after your death can be a morbid task. You may have thought about and planned for what will happen to your conventional assets such as cash, jewelry, real estate, shares and other assets. But have you considered what will happen to your digital assets such as Facebook, Google, Instagram, Twitter, LinkedIn or Dropbox accounts?

In our previous article, we explained how conventional estate planning is unsuitable for digital assets – such digital assets are in electronic form and protected by passwords, hence making it complicated and cumbersome for the executor of your will to call-in your entire estate (including the digital assets). In this instalment, we will explore the death planning tools that some of the major online spaces offer.

## Facebook

Facebook has a "legacy contact" function which allows a person (the "**Legacy Contact**") to manage your Facebook account upon your demise. You have the option of specifying in advance whether you want your account to be memorialised or permanently deleted upon your demise.

Once your account is memorialised, the Legacy Contact may:

1. Write a pinned post on your profile (for example, to share a final message on your behalf or provide information about a memorial service);
2. Respond to new friend requests (for example, old friends or family members who were not on Facebook yet);
3. Update your profile picture and cover photo; and
4. Download a copy of what you have shared on Facebook (if you had selected this option during your lifetime).

Your Legacy Contact cannot:

1. Log into your account;
2. Remove or change past posts, photos and other things shared on your Timeline;
3. Read your messages; or
4. Remove any of your friends on Facebook

## Google

Google's "Inactive Account Manager" function allows you to choose up to 10 trusted contacts (each, a "**Trusted Contact**") to be the executors of your Google account upon your death or if your account becomes

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inactive.

First, you set a timeout period for your account, which could be any period between 3 months and 18 months. If you do not sign in to your account during the timeout period, your account will be treated as “inactive” and the Trusted Contact will be notified by email of this fact. At the same time, the Trusted Contact will receive a pre-written response with your wishes and instructions on how your Google account should be managed.

Unlike the Legacy Contact function on Facebook, you can choose to share with your Trusted Contact, data such as your Google Drive, Gmail, and YouTube. In such a scenario, the Trusted Contact will then be able to download the data you have specified.

Alternatively, you may instruct Google to delete your account and all its data on your behalf

## **Instagram, Twitter and LinkedIn**

Instagram, Twitter and LinkedIn do not have an equivalent to a Legacy Contact or a Trusted Contact or a way to plan for your digital data after your death.

However, Instagram allows for the account to be “memorialised” upon receipt of proof of death, such as a death certificate or a link to an obituary or news article.

Both Instagram and Twitter may, at the request of a “verified immediate family member”, remove your account if your family member can provide the requisite documents such as your death certificate, birth certificate and court documents showing that the family member is the lawful representative of your estate. In Singapore, such a court document would be either a Grant of Probate (where there is a will) or Grant of Letters of Administration (where there is no will, or if the executor of the will is unable or unwilling to act).

In addition, Twitter provides a similar feature in the event the user becomes incapacitated. In such a scenario, the family member would have to show proof of a power of attorney which authorises the family member to act on your behalf.

LinkedIn allows a next-of-kin to remove your profile if the next-of-kin provides LinkedIn information such as your name, the URL to your LinkedIn profile, their relationship to you, your email address, date of death, link to an obituary or news article, and the name of the company you most recently worked at.

## **Dropbox**

As Dropbox does not have a specific policy relating to accounts of deceased persons, its general Terms of Service applies. Pursuant to Dropbox’s Terms of Service, Dropbox has the right to terminate your account if you have not accessed its services, client software and websites for a consecutive period of 12 months (unless you have added paid features to your account).

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## Conclusion

The advancements in technology in recent years and in particular, the technological advances in personal social media have also created new forms of personal assets which would merit some consideration in relation to estate planning. Whilst such changes are to be welcomed, proper estate planning is nonetheless important to complement certain shortcomings presented by such social media. For example, the powers of the Facebook Legacy Contact is confined to those set out in paragraphs (a) to (d) above and importantly, the Legacy Contact will not be able to log into your Facebook account and have access to your digital assets stored therein. For this reason, it may still be necessary to provide access to your digital accounts to the executor of your will. Thinking about and including your digital assets in your estate planning will result in a more holistic and neater estate planning.

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