



ASPEN TECH  
POLICY HUB

PROJECT



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this project, please visit  
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## The Digital Afterlife: Accessing Online Digital Assets

Establishing policies for posthumous data access

### EXECUTIVE SUMMARY

Estimates show that 90 percent of Americans regularly use the internet. We increasingly turn to online services to handle critical parts of our lives, but few platforms provide a way for user information to be safely managed or deleted after a user passes away. In many instances, estate executors or family members are required to provide death certificates, court orders, or even sue companies for the ability to access their loved ones' online accounts. To facilitate access to these assets, state governments can extend existing probate laws that authorize fiduciary access to digital assets by expanding the definition of 'authorized agents' in data privacy laws to include estate executors. Companies can also better design their products to allow users to grant custodial access and provide instructions on a per-platform basis.



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## THE PROBLEM

More than two million Americans die every year, and it is often not clear how their digital assets should be managed after death. Some platforms have implemented features that allow users to specify what they'd like to have happen upon their death, but many lack a sufficient policy for how someone can request to access or close a loved one's account. During difficult mourning periods, family members of the deceased are being asked to navigate a complex legal framework that still may not allow them to access the decedent's data.



*According to the AARP, almost 800,000 Americans have been the victims of identity theft after they pass away.*

## THE SOLUTION

Through an interactive website, this project explains how policymakers can utilize existing frameworks for data privacy management to allow legally recognized executors of an estate to act as authorized agents of the deceased. This will allow people who are already acting on behalf of a decedent to take on the responsibilities of legally managing their digital estate across platforms. Additionally, this project provides tools enabling companies to reduce the burden on executors by implementing features that allow users to preemptively set directives for their online accounts. 44 out of 50 states have enacted laws that facilitate fiduciary access to an online account if an individual has explicitly given directives about their data. By allowing users to register their wishes with platforms directly, the criteria for fiduciary access would be met and significantly reduce the burden of access that is present when these decisions have not been explicitly stated.

## ABOUT THE HUB

The Aspen Tech Policy Hub is a Bay Area policy incubator, training a new generation of tech policy entrepreneurs. We take tech experts, teach them the policy process, and support them in creating outside-the-box solutions to society's problems.

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