# Digital legacies require urgent legal frameworks to ease family access and protect memories



As we navigate the profound loss of a loved one, one painful reality can emerge: the challenge of accessing their digital legacy. Consider the scenario of planning a funeral, where an attempt to recall a cherished song leads to frustration when it’s discovered that the beloved Spotify account is locked, along with a trove of playlists, personal music history, and shared memories. This illustrates a broader issue; we often limit our understanding of inheritance to tangible assets—money, property, or physical mementoes. However, the digital legacies we amass throughout our lives are not only vast but increasingly significant.

Digital legacies consist of two primary categories: digital assets and digital presence. Digital assets encompass items of economic value, such as online businesses, financial accounts, domain names, and monetised social media profiles. Conversely, digital presence includes non-monetary yet deeply personal content, such as cherished photos, social media interactions, and private messages. Emerging technologies complicate matters further; for instance, AI-generated avatars, inspired by the deceased, risk creating ethical dilemmas around identity and ownership. Each piece of digital data—from algorithms tracking our health to our online interactions—reveals intimate details about our lives, shaping how we remember and honour those who've passed.

Given the complexity of managing digital legacies, thoughtful planning is essential. Just as we prepare wills for our physical belongings, it is crucial to articulate our wishes for our digital remains. Recommendations to ensure a seamless transition of digital assets have been developed, including creating a comprehensive inventory of accounts and their associated logins, designating a trusted digital executor, and employing password managers for secure storage. In addition, major platforms offer legacy features: for instance, Facebook allows users to appoint a Legacy Contact, while Google provides an Inactive Account Manager to manage access after an account has been dormant for a specified time.

Yet, in a world increasingly populated by deceased digital profiles—predicted by studies from the University of Oxford Internet Institute to outnumber living users on platforms like Facebook within the next half-century—the need for more robust standards becomes apparent. Many social media policies currently fall short, allowing limited options for memorialisation or deletion, thereby prioritising corporate data privacy over familial access. This inconsistency creates legal loopholes when families search for loved ones' online remnants, often requiring a death certificate or extensive documentation to reclaim access.

Moreover, significant challenges arise from the differing rules on various platforms. For example, while Facebook and Instagram support memorials through designated contacts, Twitter offers minimal flexibility, allowing only deactivation by an authorised person. This patchwork of policies can lead to emotional strain and further complicates the bereavement process. There is an urgent call for coherent frameworks to manage digital legacies that extend beyond corporate interests, incorporating perspectives from historians and policymakers who understand the importance of these digital estates as a reflection of our cultural heritage.

Consequently, managing our digital legacies is not merely about technical foresight; it evokes a deeper philosophical examination of who controls our digital identities after death. As we forge ahead, organisations like Standards Australia and the New South Wales Law Reform Commission are seeking feedback to establish guidelines for regulating digital afterlives. By taking proactive steps to shape our digital legacies, we can ensure that even after we are gone, our online existence resonates meaningfully with those we leave behind.

The growing visibility of this issue highlights that digital legacy management is not only an individual concern but a significant aspect of contemporary governance and personal accountability in an increasingly digital world. Recognising the importance of our digital footprints and preparing for the inevitable is crucial, not only for ourselves but for future generations navigating the complexities of digital inheritance.

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://theconversation.com/most-of-us-will-leave-behind-a-large-digital-legacy-when-we-die-heres-how-to-plan-what-happens-to-it-257121> - Please view link - unable to able to access data
2. <https://time.com/5579737/facebook-dead-living/> - A study by the University of Oxford Internet Institute projects that within the next 50 years, the number of deceased users on Facebook will surpass the living. This underscores the importance of managing digital legacies, as our online data becomes part of cultural heritage and historical records. The study advocates for policies to handle digital estates and identity, emphasizing the need for broader solutions beyond corporate control, involving historians and policymakers to responsibly manage digital legacies.
3. <https://apnews.com/article/03f23c18e54e2d81edc66c3adf6e3838> - Preparing your digital accounts for after you pass away is essential. Apple permits you to nominate a legacy contact, who can access your data via an access key, though digital rights-protected content and saved passwords are excluded. Google's Inactive Account Manager allows you to choose how long Google should wait before deeming your account inactive and enables you to share data with up to 10 people, including an option to delete the account after three months. Meta supports memorializing Facebook and Instagram accounts, managed by a legacy contact, or full deletion by close family with proof of death. TikTok offers a similar memorial feature, barring further account access. X, however, merely allows deactivation upon request by a family member or authorized person. For additional accounts, using a password manager with an emergency access feature is recommended, ensuring trusted contacts can access your credentials if needed.
4. <https://www.kiplinger.com/personal-finance/the-basics-of-estate-planning> - Estate planning ensures your assets are managed and distributed according to your wishes, helping to minimize legal complications and taxes for your heirs. Key documents include a will, living trust, power of attorney for finances and health care, and a living will or advance directive. Regular updates to these documents and beneficiary designations are essential to avoid probate issues and unintended heirs. Beneficiary designations on retirement accounts and insurance policies often override wills and must be current, with contingent choices in place. Special considerations apply to spousal beneficiaries under federal law, particularly with 401(k) and IRA accounts.
5. <https://www.joincake.com/blog/digital-assets-after-death/> - Managing your digital assets after death involves several key steps: 1. Back up personal digital files to prevent loss. 2. Address financial accounts by ensuring access credentials are available. 3. Review business accounts, files, and domains, especially if you're a business owner. 4. Consider appointing a 'Digital Executor' to manage your digital assets. 5. Include digital assets in your will, specifying how they should be handled. Regularly updating this information is crucial to ensure your digital legacy is preserved according to your wishes.
6. <https://legalbrainiac.com/estate-planning-for-digital-assets/> - Establishing a digital asset inventory involves cataloging all online accounts and digital possessions, including social media accounts, email accounts, online banking and investment platforms, digital currencies and wallets, cloud storage services, subscription services, and intellectual property. Maintaining this list aids in clarity and prevents disputes among heirs. Regular updates to the inventory are necessary, especially as new digital assets are acquired or existing accounts are closed. Effective estate planning for digital assets hinges on a well-organized inventory that reflects the breadth of one’s digital life.
7. <https://spectrum.ieee.org/digital-afterlife/digital-estate-planning-a-checklist> - Digital estate planning involves: 1. Inventorying digital assets, including hardware, cloud data, online accounts, websites, intellectual property, and business assets. 2. Deciding on the disposition of each asset, such as deletion or preservation. 3. Naming a digital executor to carry out wishes. 4. Storing the plan securely and informing next of kin. 5. Formalizing the plan by adding it to the will, ensuring sensitive information remains private. This checklist helps in managing digital legacies effectively.