

Protecting Your Digital Legacy by Kianna C. Parviz, Esq.



How to Manage Your Photos, Data & Social Media Accounts After You Die

Thinking about your “digital legacy” may seem strange but given the amount of data and content we all use and create (think about all your phone’s pictures, iCloud backups, texts, social media accounts, and Apps like Venmo and Starbucks), it is something to think about.

In many cases, digital profiles may remain online indefinitely, and eventually may be removed by the company due to inactivity. Unfortunately, some expired accounts can become the target of thieves who take advantage of these inactive accounts, causing even more distress for the deceased’s family and friends.

While you can provide that the executor of your will or trustee of your trust has permission to access your digital assets, some companies have recently added features to let you plan who you authorize to handle your data, in the event you are no longer able to do so.



Apple - How To Set Up Your Legacy Contacts

Until recently, accessing an Apple iCloud account of a deceased family member could prove to be extremely difficult, especially if you did not have that person’s recovery key. However, Apple’s recent software update (iOS 15.2) includes a Digital Legacy program for its iCloud accounts. This allows you to name up to five Legacy Contacts who will have access to your account.

To set up your Legacy Contacts:

- Go to Settings and click on your name at the top of the page

- Select Password & Security
- Select Legacy Contact
- This is where you can add the names of people who will be able to access and download your data after your death; it will also list anyone who has listed you as a Legacy Contact. Tap on “Add Legacy Contact” to add a name.

It should go without saying that this person should be someone you trust. To access your account, this person will need to have your access key (which you can text to them to save on their phone when you select them as your Legacy Contact, assuming they have the iOS 15.2 software, or you can print a hard copy). Additionally, your Legacy Contact will need a copy of your death certificate.

A digital Legacy Contact would be able to access most of what is in your iCloud account: your photos, messages, email, notes, files, contacts, calendars, downloaded apps and device backups. However, they will not have access to your passwords stored in your iCloud keychain.

Unfortunately, for now, there is no way of limiting what information the Legacy Contact can access – it is either all or nothing. So, you may want to think long and hard about this before assigning someone.

To access your information should something happen to you, the Legacy Contact would go to digital-legacy.apple.com, and login with their iCloud account, and input the access key. They are then required to upload a death certificate, which is reviewed by Apple’s staff and legal team. If you name more than one Legacy Contact, each one can request the data (it is not a first come first served situation). Apple estimates the review process could take up to two weeks. If approved, your Legacy Contact will be sent a link to create a new password for the account and then log in to the data. It is worth noting that while they can access your data, they cannot send emails or messages from your account.



Google (Gmail, YouTube, Google Photos & Google Play)

Google also has a similar “Inactive Account Manager” program to handle your digital legacy, which applies if you pass away, but also if you become sick or disabled.

First, go to your Google Account, and click on “Data & Privacy.” Then scroll down and click on “Make a Plan for your Digital Legacy.” You will have the option to decide:

1. When the inactive account manager settings will kick in (for example, if your account has been inactive for 3 months)
2. Who to notify (up to ten people)
3. What information each person selected can access, and whether everything should be deleted.

You can also set up an automatic email message to be sent to anyone who emails you after the manager kicks in, notifying them that the account is no longer active.

Even if your account becomes inactive for the time you selected, Google will still send a notification to a backup phone number or email address you designate, to confirm you are no longer able to use the account, as opposed to simply locked out.



Twitter

Twitter has not yet provided a way to transfer your account to someone after you die. A verified immediate family member, or someone authorized to act on behalf of your estate, who wants to deactivate your account must fill out and submit paperwork to Twitter, including their own identification and a death certificate. However, this only gives them the ability to deactivate the account, they will not be allowed access it.



Instagram

Like Twitter, Instagram does not currently have a system in place that allows you to transfer your account to someone after you die. According to Instagram's policy, your immediate family can provide proof of your death, including an obituary or death certificate, to permanently delete the account. The family member also has the option to "memorialize" the account. This will add the word "Remembering" next to your name on the account, and posts you shared will remain visible to the same audience as before. However, no changes to the account are allowed, such as to the profile picture, comments made on posts, or privacy settings.



Facebook (aka Meta)

Facebook allows you to appoint a Legacy Contact to look after a memorialized account, or to have your account permanently deleted. The rules relating to the memorialized account are like those on Instagram - the content you had shared is still visible to the same audience as before, but changes to the profile cannot be made, unless there is a designated Legacy Contact.

A designated Legacy Contact can accept friend requests on behalf of a memorialized account, pin a tribute post to the profile, and change the profile picture and cover photo. If the memorialized account has an area for tributes, a Legacy Contact will be able to decide who can see and post tributes. Alternatively, you can choose to have your account permanently deleted if you pass away; once Facebook is notified of your passing, it will automatically remove your account and activity.



Venmo

If you planned ahead and gave a trusted source the legal authorization to your Venmo account with your password, they simply log into your account, go to the Settings link on the left side of your profile screen, then click "Close my Venmo account" at the bottom of the screen. All the money should then be transferred into the estate account.

If no one else has your password, Venmo, like other platforms, requires proof of death and legal authority to access someone's account. Before contacting Venmo to close the deceased's account, you will need to prepare ahead of time and provide your ID, the death certificate and written proof of access from the deceased that you may access their account.

Given that most people have accounts on at least a few of the above platforms, the easiest way of ensuring your digital legacy is protected is to pass on the login credentials to someone you trust, preferably someone who is also tech savvy. Providing credentials to someone you trust and/or picking a Legacy Contact, ensures your loved ones will have a head start in collecting any photos, important documents, and anything else they need to preserve your legacy in a dignified and respectable manner.

We look forward to serving you & wish you the best



We are here to provide you with legal guidance you can trust while placing safety and health as a priority. We are happy to meet in person or to accommodate other needs, including Facetime, SKYPE and ZOOM for virtual, face-to-face connections. Contact us directly to speak with someone who can help answer your questions.

T (949) 501-4800

Or send us a private email at the link below and we will respond promptly:

info@lawandsteinllp.com

Visit our website for more information and to review our partner and attorney bios:

www.LawandSteinllp.com

The Law & Stein Newsletter is a monthly publication to share useful information with our clients in matters of estate planning, tax planning, inheritance dispute litigation, elder abuse, probate and business litigation, and premises and product liability defense.

LAW & STEIN LLP
2601 Main Street, Suite 1200
Irvine, CA 92614
info@lawandsteinllp.com

