

## Digital Legacy: Does life still go online after death?

The rise of digital platforms and social media sites mean that for many of us, what happens to our digital legacy following our death, is something that should be considered as part of the normal estate planning process.

### If I die, what happens to my online presence?

The short answer to this question is, it depends on the terms and conditions of each individual site. Below we have summarised the policies of some of the most popular platforms.

#### Facebook

You can choose to notify the site in advance as to whether you would like to have your profile memorialised or permanently deleted in the event of your death. A memorialised profile can be thought of as a “virtual shrine” and provides a place for your family and friends to share their memories and continue to view the content you posted.

If you are over the age of 18, you can also choose to appoint a legacy contact who will be able to write a pinned post for your profile (for example, sharing a final message on your behalf or releasing details about your funeral), respond to new friend requests and update your profile picture and cover photo. Legacy contacts are not able to log into your account, remove or make changes to anything you’ve previously shared on your timeline, read your messages or remove any of your friends.

Close family members are able to request that Facebook close the account completely.

#### Instagram

Similarly, Instagram also provide the option for family members to request that a user’s account be memorialised following their death. Once an account has been memorialised, it cannot be logged into by another user, nothing can be changed and the account won’t appear in search results.

#### Twitter

Under their current terms of use, Twitter will either deactivate or permanently remove your account, upon notification of your death. They will only do so however at the request of someone authorised to act on behalf of the estate or from an immediate family member. They will not grant access to your account to anybody else.

#### Web based Email platforms

Both Microsoft’s Hotmail and Google’s Gmail have policies that allow them to keep your data following your death and allow your next of kin or executor of your estate to access them.

Hotmail will remove an account if it remains inactive for 270 days, while Gmail will only do so following a request from your next of kin.

Yahoo! refuses to supply emails to anybody after a user has died. Privacy is guarded closely and so while a user’s next of kin can ask for the account to be closed, they cannot gain access to it themselves. Yahoo! will however, consider making an exception to this rule if a user has specified otherwise in their will.

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## So what should I do?

First, make a list of all your online accounts – this might include your web-based emails, social networking sites and any other subscriptions, such as sport live stream services, music subscriptions (Pandora, Spotify, iTunes, etc) and digital magazines. Record your logon details for each site (username and password).

Next, consider what you want to happen to each account in the event of your death. For example, you might want to have your Facebook and Instagram accounts memorialised for your family and friends, but have your email account closed down immediately. You will also need to consider the terms and conditions of each platform at this stage.

Finally, you will need to record your wishes somewhere. We recommend that this occurs as part of the estate planning process and if you wish, we can include a section about your digital legacy within your will. This will allow you to appoint someone as your 'digital executor' and to finalise your accounts in keeping with your wishes.

Mellor Olsson has experienced practitioners who provide advice and prepare Wills to suit your individual circumstances.

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