

## What are my digital assets?

How many things in your life do you manage or store on your computer, tablet, smart phone or online? Like many people today you probably access photos, videos, music, e-books, blogs, movies, emails, conversations, social media, games, bank accounts, medical records, and even maintain your identity—all online. All of these are called “digital assets” and they may be of financial or sentimental value to you and your family. They can be just as precious and important as physical assets. They should be part of your general planning for what happens when you die or if at any time you lose mental capacity to manage your own affairs.

## Why are my digital assets important?

Advancements in technology and the Pandemic have accelerated the reliance on digital assets in many areas of our lives. We must plan for what happens to our digital assets on death or when we lose mental capacity, for a number of reasons:

**Financial Value;** virtual bank accounts and payment platforms, online gaming accounts; cryptocurrency; NFT’s; domain names; and online businesses.

**Sentimental Value;** in this “digital age” personal assets such as photos, videos, and other personal documents and information may not be in physical form, instead they may be stored on devices, clouds, or accessed online. In addition, social media accounts can contain personal data and memories. If you die or lose mental capacity,

accessing and legally transferring these assets, if not previously identified and planned for could be challenging if not impossible. Not being able to access these treasured memories, can have a significant emotional impact on loved ones.

**Privacy & Confidentiality;** private and sensitive personal data and information should be deleted or otherwise restricted from disclosure.

**Identity Theft;** recent statistics estimate that more than 20 people have their identity stolen through online hacking every minute of every day. When you die or lose your mental capacity, you are no longer monitoring the use of your digital assets, and so the risk of identity theft is greatly increased.

## How should I begin to plan my digital legacy?

- Make an inventory list of both your traditional and digital assets, to provide your representative (agent, executor, personal representative, guardian, attorney, etc.) with details of these assets and where to find them. **[www.step.org/digital-assets/inventory](http://www.step.org/digital-assets/inventory)**

An Inventory for estate planning purposes should NOT include password information. Sharing passwords for online accounts is a violation of most terms of service agreements with service providers.
- Ensure your representative, as named in estate planning documents, has been provided authorization in your estate planning documents to access your digital assets in the event of death or incapacity.
- Determine if service providers have any planning features on their platforms to address incapacity and/or death, and if such features are utilized, make sure it is cohesive with other estate planning measures.
- Similar to general estate planning, identify any significant digital assets that will need additional and detailed estate planning, such as a technology management plan, tax planning, or legal agreements to ensure a smooth and efficient transition.
- The virtual nature of many digital assets, the speed of technological development, and changes in the law require that you review your plan and make updates often.
- Similarly, your plan and any updates should be communicated with your representatives in advance. Incapacity or estate administration will be increasingly difficult for representatives without prior conversations.

### Where can I get help?

Laws in this area are unsettled and vary between countries and even between states within a country. The service agreements you have entered into with various service providers for certain online accounts may govern how your representative can work with those digital assets, which also needs to be considered as part of the planning process.

For information and advice go to the STEP website at **[www.step.org/digital-assets](http://www.step.org/digital-assets)** where you will find more information and links to knowledgeable professionals who can help you through this process.