



WHAT ARE THE CHALLENGES FACING DIGITAL ASSETS THAT ARE DIFFERENT THAN TRADITIONAL ASSETS?

There are millions of internet-based accounts that belong to decedents. Some internet service providers (ISPs) have explicit policies on what will happen when an individual dies, whereas others do not. Even where ISPs include their policies in the terms of service agreements, most consumers only click through these agreements without a thought. Historically, few laws exist on the rights of fiduciaries over digital assets. Federal law, enacted more than three decades ago, imposes criminal penalties and possibly civil liability for the unauthorized access of computer hardware, devices and stored data.