

Tracking your digital worth for the next generation

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The value of our online lives is worth billions of pounds but many of these assets may never be passed on, as people are failing to record their digital worth.

In research undertaken by accountants [PWC](#), the value of our digital assets was estimated at £25bn, yet in a [YouGov poll](#) over half of those surveyed admitted nobody would be able to access such assets after their deaths, as they had not made any arrangements to deal with what would happen.

As a result, finding out how to protect confidential information and pass on digital assets is becoming increasingly important - whether when making a will and appointing executors, or considering attorneys to act during a period of ill health or other incapacity.

Digital assets include all content, accounts and files created and stored in a digital form, whether online, in the cloud, or on a computer or smartphone. These assets may have great financial or sentimental value.

Obvious examples of assets with a tangible financial value would be bank, building society or other types of investment accounts, but could also include gambling accounts, cryptocurrency accounts and internet payment accounts like PayPal.

Social media accounts, personal photographs and other personal records and correspondence may only have sentimental value, but in between, there may be some that have a potential value, such as domain names, blogs, or affiliate accounts that generate advertising revenue.

As the Yougov research highlighted a common problem associated with digital assets is that it is not always clear who owns digital content after death. Often the reason for

this is that users found the detailed terms & conditions too difficult to understand or so long-winded that they did not read them. Some digital assets may be only a licence to use services, such as online music and media supplied through Apple's iTunes. This sort of licence is personal to the individual and cannot be transferred to another person.

"Protecting digital assets by making sure your executors know exactly what you own is becoming increasingly important, so you need to make sure it's on the list when it comes to making or updating your will." explains private client solicitor Lalita Kauldhar.

"Physical assets are relatively easy to identify, but if you don't provide any record of assets held online, it's quite possible they would be overlooked. The other problem is where access is blocked, which may be because executors don't have the log on information or because they don't have authority to access the account."

Some accounts will not allow access by a third party, even if they are authorised to do so by the account holder, and in this case, it would be unlawful if executors access the account using the account holder's log-in information.

This sort of restriction may be a problem also for attorneys acting under a power of attorney, whether for a specific purpose or more generally, under a Lasting Power of Attorney (LPA) for financial affairs. An LPA, which allows an individual to appoint one or more people to act as their 'attorneys' to help in the management of their affairs, is common among the elderly or those who are suffering long term illness, although they are increasingly put in place by younger people who may need to enable partners or others to act on their behalf while they are away, for example when travelling for business.

Protecting your digital assets:

- Make a full listing of all digital assets, including where they are stored; keep the listing updated regularly and store it securely. This can be alongside your will.
- Make a record of all usernames and passwords, together with the email address associated with the account, in case it is needed to reset a password, and store this separately and securely from the full listing. There are also software options for secure storage of account details and passwords.
- Never include any personal log-on information or account information within the will itself, as it becomes a public document once the Courts issue a Grant of Probate to executors. Similarly, no such information should be included in a Lasting Power of Attorney as the document must be shared with institutions and companies when attorneys request authority.

- Assets that have only sentimental value, such as photographs, can be gifted within your will as personal chattels, to ensure they do not get overlooked.
- For all online assets, check the small print and find out what happens to the account on death and then leave guidance to your executors, including whether you wish any particular accounts to be deleted or held as memorials.
- Give specific authority to your executors to access and manage all your digital assets. This should be in writing and can be included within your will or made in a separate document that is signed and witnessed.

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Note: This is not legal advice; it is intended to provide information of general interest about current legal issues.

