



KKC's Estate Planning Department

### **Death & Facebook: What Happens to Your Social Media Accounts When You Die?**

It's no secret that Americans are spending more and more of their time online with each passing day: shopping, paying bills, sending emails, etc. Social media websites are also a huge part of this growing trend. You find out about local events, parties, and even high school reunions through Facebook. You share selfies and your favorite memes with your friends and family on Instagram. You express opinions or share news stories on Twitter. Every day we increase our digital presence by sharing information on these social media sites. But what happens to your social media accounts when you die? Do they disappear? Will anyone be able to access them? Unfortunately, the answers change depending on which site you're dealing with.



**Facebook**

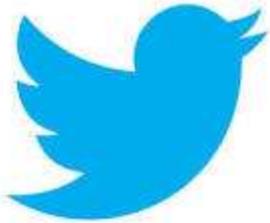
Facebook gives you two options: your account can be permanently deleted, or it can be converted into a memorialized account. If you do not choose to have your account deleted, it will automatically become a memorialized account.

If your account becomes a memorialized account, the word "remembering" will appear next to your name on the profile, and all previously posted content will remain available to those with whom you originally shared such content. It is also possible, depending on your privacy settings, for loved ones to continue to share photos and memories on your timeline.

While no one will be allowed to login to your account, Facebook does allow you to appoint a "legacy contact". Your legacy contact has the authority to manage your memorialized account and perform

tasks such as posting to your timeline (e.g. sharing a final message on your behalf or providing information about memorial services), responding to friend requests, and updating your profile picture and cover photo. Your legacy contact cannot remove or change old posts, read your messages, remove existing friends, or make new friend requests.

To appoint a legacy contact, go to the top right portion of your screen, click on the drop-down arrow, and select "Settings" and "Manage Account". Then type in the name of your legacy contact and click "Add". Alternatively, if you would like to request that your account be deleted, you can do so from the "Manage Account" page as well.



### **Twitter**

Twitter is the place where you can bare your soul to the world in 280 characters or less. When you die, it's left to your loved ones to decide whether or not your tweets are preserved. The options available are: (1) to notify Twitter and request that the account be deleted, or (2) to leave the account as is. Unlike Facebook, Twitter does not allow anyone to have access to your account, not even in a limited capacity.

It is important to note that Twitter also provides a similar option in the event of your incapacity. They can, in certain circumstances, coordinate with your legal representative to have your account deactivated should you become incapacitated.



### **Instagram**

Instagram is akin to Facebook in that your account can either be deleted or memorialized. However, the choice cannot be made in advance by you (a la appointing a Facebook legacy contact) but is instead made by your loved ones following your death. If your account is memorialized, no one will be able to login, all posts remain visible to the audience they were shared with, and no other content (e.g. likes, followers, tags, etc.) can be changed.

### **Need to Provide Documentation**

As you can see, how your accounts are handled varies depending on which site you're dealing with. However, one constant between them all is the need to provide documentation. Prior to memorializing or deleting any accounts, all the sites mentioned above require proof of your death (e.g. death

certificate, obituary) as well as proof that the person making the request has the authority to do so (e.g. proof of appointment as executor of your estate or providing your birth certificate or other evidence to verify they are a family member).

### **Other Ways to Grant Fiduciaries Access to Your Digital Accounts**

In trying to plan in advance for your “digital death”, you can also include certain provisions in your Will and Trusts that will provide your fiduciaries (e.g. executors or trustees) with the authority they will need to manage not only social media accounts, but all of your digital assets (e.g. digital currency like bitcoin, email accounts, online bank accounts, etc.). Connecticut has implemented laws stating that your fiduciaries can access and manage your digital assets upon your death but only if you specifically state that you want them to have that authority in your estate planning documents. However, these laws were only enacted on October 1, 2016. If your estate planning documents were executed before that date, they likely do not grant your fiduciaries the power to manage your digital assets. In order to remedy this, you would need to have updated estate planning documents prepared.

### **Final Thoughts**

At the end of the day, technology is a wonderful thing. It helps us to stay connected to those we love and puts unprecedented amounts of information at our fingertips. It also means that much more of our lives is being lived online. As such, any truly comprehensive estate plan needs to include instructions not only for real estate and bank accounts but also for our social media accounts and all other types of digital assets. If you have any questions about planning for your digital assets or estate planning in general, our office would be happy to assist you. For more information, visit [kkc-law.com](http://www.kkc-law.com) (<http://www.kkc-law.com>) or give us a call at 860-646-1974.