



## Considerations for Your Digital Presence

When CTA was started back in 1982, technology was in its infant stage. As technology increasingly becomes a part of our lives, many, if not most of our clients have developed some type of “digital presence.” For most people, this presence exists primarily through email accounts, picture and video storage sites, social networking sites, gaming sites, professional networking sites, cloud storage, and back up accounts.

These assets may be considered primarily personal and visual assets, but there may be a professional aspect as well.

Increasingly, people also handle their financial transactions using the computer or mobile applications. These are considered financial assets. Many people no longer have any paper financial statements, an idea that was unheard of when our business started. Today, most people store a great deal of important information digitally on computers, backup drives, storage sites, and in “the cloud.”

The fact of the matter is that in the society we now live in, the question has become whether this digital “identity” can be accessed or transferred at death, incapacity, or, if necessary, upon a disability such as Alzheimer’s.

The ability of third parties to gain access to personal accounts can become challenging. The first issue to consider is whether you want someone else to be able to access a personal email account and social media accounts. Some may not care, but others may have extremely private information in their email accounts that they do not want to share with others. For social media accounts, access may become important, at the very least to disable or close the account. Stated simply, it is a personal decision as to whether or not you want to provide access to this information; and if so, to whom the access should be granted.

Additional consideration should be given to whether you will provide someone with the ability to access electronic financial information upon death or disability. Having access to this information, or these accounts, may be necessary in order to pay bills. The person selected for this purpose may be different from the person chosen to sort through old emails and other social media.

Making sure someone has access to electronic financial information is especially important since many of you do all of your banking and financial transactions online. As a result of this online presence, there may not be any paper statement for bank and brokerage accounts and for prior

financial transactions. Without access to this online information, it may be difficult to track financial activity, making it hard to track assets or deal with taxes and other situations where monthly statements would be important.

For example, in the past this information could have been reconstructed through monthly statements. But in today's world, these statements are often delivered on-line. If heirs do not have access to the appropriate passwords, they may not be able to access financial information. As a result, accounts and other assets may be lost.

A recent Wall Street Journal article, titled "Social Media Tackle Accounts After Death"<sup>1</sup>, discussed how social-media companies are grappling with handling digital legacies of users who have died.

Many platforms have a policy of deleting accounts when they are notified that the user had died. Relatives typically have to provide a death certificate or other proof, such as an obituary link, for the account to be taken down.

Some relatives want to hang on to those online profiles as a way to remember their family members.

**LinkedIn** is developing a memorializing profile option that should be available next year. The company would allow profiles to remain, though make it clear the user is deceased.

**Facebook** struggled with the issue for years before deciding in 2015 to allow users to designate someone their digital heir with the right to manage parts of their account posthumously.

The cyber inheritance comes with strings attached. The person's responsibilities include moderating the tribute section and accepting friend requests, but the contact can't look at the person's messages or post as the person. Users also can choose to have their account deleted after they die.

**Instagram**, owned by Facebook, provides a similar option. Photos and videos remain visible, but wouldn't appear in general searches.

**Twitter** will delete an account upon request by family members.

**Snap Inc.**'s Snapchat allows anyone to request the removal of an account with proof the user has died.

"Death reminds us how young social media is," said Jed Brubaker, an assistant professor at the University of Colorado Boulder who studies social media. "As it grows up, and it's in the process right now, we talk about policies and regulations, things that should be considered that we didn't know to consider 10 years ago."

Please consider how you want your “digital presence” addressed. We recommend you discuss this with your estate planning attorney and family members. If you have yet to incorporate your wishes in your estate plan, take steps to updated your estate planning documents now.

Trevor and I welcome your questions on how we have handled these same issues in our own lives.

**Disclosures:**

The information provided is not a complete analysis of every material fact and are subject to change.

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**Citations:**

1 - Summerville, Abigail. “Social Media Tackle Accounts After Death.” *The Wall Street Journal*, 21 Aug. 2019, p. B4. [8/21/19]