



HULL & HULL LLP
Barristers and Solicitors

Digital Assets

When assisting a client in creating or updating an estate plan, it is important to consider the nature of the assets the client intends to dispose of in accordance with the plan and take steps to ensure that it provides the fiduciary with access to any such assets.

Provisions to facilitate access to digital assets, for example, are often overlooked. Digital assets include information and documents stored in online accounts, which can carry significant sentimental and/or financial value.

In its simplest form, a digital estate plan lists account login details with instructions to the fiduciary in maintaining or closing accounts. If the executor chosen to administer the rest of the estate is not technologically savvy, it may be prudent to suggest the appointment of a different individual who can fulfill the client's objectives in respect of digital assets.

Suggested checklist questions for drafting solicitors include:

- Whether the client has online accounts to which he or she wishes survivors will have access;
- Whether the client has put plans in place to transfer information stored digitally (for example, using Google's inactive account manager, Facebook's legacy contact options, etc.); and
- Whether the client has any digital assets of financial value (for example, Bitcoins or funds held in other online currencies, trade secrets/other corporate information, etc.)