

Submission:

Anay Yardi
2 April 2018

Dear Sir / Madam,

I am writing to you with reference to the request for comments by Attorney General on the topic of "Access to digital assets upon death or incapacity".

I am very happy to see that steps are being taken to address this section of the law, which is significantly impacted by the social networking, and by the huge internet presence every one of us has these days.

My details are as below -

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My submission and suggestions/thoughts on this matter are below –

- 1 - Digital presence of a person (including social media accounts, Cloud storage accounts, online photos etc) are as important as physical things like bank accounts, assets etc. So the laws should strictly apply to the digital assets as well.
- 2 - A person should be able to include the digital assets in her/his will, just like any other asset. Based on the person's choice, the social media accounts, online media/Cloud accounts (like Dropbox, Google Drive etc) should be handed over to their next-of-kin or the chosen person as per the will.
- 3 - A person should be able to clearly describe the fate of their digital assets in their will - for example someone may want their Facebook/Instagram accounts to be closed or frozen after their death - the laws should be binding on the companies which host these accounts (like Facebook, Google etc).
- 4 - If a person has given the control of her/his digital accounts and data to their next-of-kin (or whoever is included in the Will), then those persons should be able to decide the final fate of such online accounts (either freezing the accounts or closing the accounts).
- 5 - There should be strict and enforceable laws for misuse of a person's digital data and online accounts after their death - even if the accounts were handed over to someone as part of the Will.
- 6 - All online companies like Facebook, Google etc. should be bound by the new laws where they have to disclose the credentials (or give full access to) of a person's online account after their death - if the next-of-kin (or whoever is in the Will) is able to prove the death by submitting appropriate documentation to the Govt (like death certificate).
- 7 - There should be a provision in the law where the digital assets of a person can be frozen or suspended to avoid misuse or identity theft.

I sincerely thank you for giving me a chance to submit my suggestions on this matter through this process.

Thanks and regards,
Anay Yardi