

FIDUCIARY ACCESS TO DIGITAL ASSETS ACT (EXCERPT)
Act 59 of 2016

***** 700.1007.new THIS NEW SECTION IS EFFECTIVE JUNE 27, 2016 *****

700.1007.new Disclosure of deceased user's electronic communications to personal representative; procedure.

Sec. 7. If a deceased user consented to or a court directs disclosure of the contents of electronic communications of the user, a digital custodian shall disclose to the personal representative of the user the content of an electronic communication sent or received by the user if the personal representative gives the digital custodian all of the following:

- (a) A written request for disclosure in physical or electronic form.
- (b) A copy of the death certificate of the user.
- (c) A certified copy of the letters of authority of the personal representative, a small-estate affidavit, or other court order.
- (d) Unless the user provided direction using an online tool, a copy of the user's will, trust, power of attorney, or other record evidencing the user's consent to disclosure of the contents of electronic communications.
- (e) If requested by the digital custodian, any of the following:
 - (i) A number, username, address, or other unique subscriber or account identifier assigned by the digital custodian to identify the user's account.
 - (ii) Evidence linking the account to the user.
 - (iii) A finding by the court that:
 - (A) The user had a specific account with the digital custodian, identifiable by the information specified in subparagraph (i).
 - (B) Disclosure of the content of electronic communications of the user would not violate 18 USC 2701 to 2707, 47 USC 222, or other applicable law.
 - (C) Unless the user provided direction using an online tool, the user consented to disclosure of the contents of electronic communications.
 - (D) Disclosure of the contents of electronic communications of the user is reasonably necessary for administration of the estate.

History: 2016, Act 59, Eff. June 27, 2016.