

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

**700.1012 Disclosure of content of electronic communication when trustee not original user.**

Sec. 12.

Unless otherwise ordered by the court, directed by the user, or provided in a trust, a digital custodian shall disclose to a trustee that is not an original user of an account the content of an electronic communication sent or received by an original or successor user and carried, maintained, processed, received, or stored by the digital custodian in the account of the trust if the trustee gives to the digital custodian all of the following:

- (a) A written request for disclosure in physical or electronic form.
- (b) A certificate of the trust under section 7913 of the estates and protected individuals code, 1998 PA 386, MCL 700.7913, that includes consent to disclosure of the contents of electronic communications to the trustee.
- (c) A certification of the trustee, under penalty of perjury, that the trust exists and that the trustee is a currently acting trustee of the trust.
- (d) 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 trust's account.
  - (ii) Evidence linking the account to the trust.

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