Who Controls Your Digital Life When You Can’t?

Why Every Individual and Retiree Needs a Digital Executor

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"When my grandmother's plan failed, I watched five years of family conflict. The digital world has created a new version of that same problem."

Twenty years ago, my grandmother developed dementia. She had an estate plan — but it wasn't built to withstand a family dispute. An unrelated attorney was appointed as her Guardian. That experience put me in law school.

Today, I work with individuals and retirees whose lives run on digital platforms — banking, health portals, email, photos — that no one else can access. If something happens to you, can your family keep things running? That is what a Digital Executor solves.

Workshop Agenda

60 Minutes · Interactive · For Individuals & Retirees

0-10 min	The Problem: Your Digital Life at Risk
10-25 min	The Law: RUFADAA and the Access Gap
25-45 min	The Solution: The Digital Executor
45-55 min	The Checklist: Your Personal Action Plan
55-60 min	Next Steps & Q&A

The Problem

Your life runs on digital assets. No one is appointed to manage them if you can’t.

Your Digital Life by the Numbers

100+	85%	$200K
Online accounts per person	have no digital estate plan	Estimated value of digital assets per person
NordPass 2024	*Bryn Mawr Trust*	*Bryn Mawr Trust*

Every one of these accounts is locked behind a password. If you are incapacitated or die, who logs in to pay your bills?

Source: NordPass, Bryn Mawr Trust

What Are Your Personal Digital Assets?

If someone took away your phone and laptop for 24 hours, what would your family lose access to?

Financial & Essential

- Personal email and calendars
- Online banking and bill-pay
- Health and insurance portals (Medicare, MyChart)
- Investment and retirement account portals
- Utility and subscription accounts

Personal & Social

- Social media (Facebook, Instagram, Nextdoor)
- Photo and video storage (Google Photos, iCloud)
- Cloud storage (Google Drive, Dropbox)
- Streaming services (Netflix, Spotify, Amazon)
- Smart home devices (Ring, Nest, Alexa)

Right now, every one of these is controlled by one person: you. That is the problem.

The Planning Gap

55%

of Americans have no estate plan at all

Trust & Will 2025

85%

have no digital estate plan

Bryn Mawr Trust

45%

have never heard of digital estate planning

Forbes / Bryn Mawr

Most people have planned for their home, their bank accounts, and their insurance. Almost none have planned for the digital accounts that run their daily life.

Source: Trust & Will, Forbes

When No One Can Log In

The Lost Photos

A retiree died suddenly. Decades of family photos were stored in Google Photos under an account no one could access. The family had no backup. A Digital Executor would have downloaded and preserved them.

The Unpaid Bills

A woman suffered a stroke. No one had her bank login. Mortgage, utilities, and insurance went unpaid for weeks. Late fees and credit damage followed. A Digital Executor would have kept bills current.

The Identity Theft

A widower’s email was compromised three months after his death. His Social Security number was exposed. A Digital Executor would have secured and closed vulnerable accounts immediately.

The Legal Framework

RUFADAA and how it protects your digital legacy

RUFADAA: The Law Behind the Digital Executor

Recognizes digital assets as property — your email, photos, and financial accounts are estate assets, just like your home or savings account

Gives fiduciaries legal authority — executors, trustees, and agents under POA can manage your digital accounts

Adopted in 46+ states and D.C. — Virginia, D.C., and Maryland all follow the uniform act

Creates a three-tier priority system — (1) Online tool settings, (2) Estate document language, (3) Terms of service defaults

Does not confer ownership — access authority only. Your Digital Executor gets no more rights than you had

Without RUFADAA, your family defaults to the platform's terms of service — and most TOS lock everyone out.

Source: ULC – RUFADAA

The Three-Tier Priority System

If you take no action, you default to Tier 3 — the platform decides who gets in.

Tier 1: Online Tool	Direction via a platform's tool (Google Inactive Account Manager, Apple Legacy Contact). Overrides everything — including your will.
Tier 2: Estate Documents	Explicit language in a will, trust, or POA granting your Digital Executor access to digital assets and communications content.
Tier 3: Terms of Service (Default)	The platform's TOS controls by default. Most TOS prohibit any third-party access. Your spouse, children, and executor are all locked out.

Source: RUFADAA §§ 4–6

Content vs. Catalog: Why It Matters

Catalog (Default Access)

- Who the account holder emailed
- Date and time stamps
- Electronic addresses of contacts
- Available to fiduciary by default
- Does NOT include message content

Content (Requires Authorization)

- Actual substance of emails
- Attachments and files
- Private messages and DMs
- Requires explicit consent in docs
- Critical for managing your affairs

Your Digital Executor needs content access — not just the catalog. Without explicit authorization in your documents, they can see who you emailed but cannot read the emails. That is not enough to pay your bills or settle your affairs.

The Solution

The Digital Executor and Digital Asset Manager

What Is a Digital Executor?

A Digital Executor is a fiduciary specifically empowered to access, manage, transfer, or close your digital accounts and assets during incapacity or after death.

Traditional Executor

- Real estate and tangible property
- Bank accounts and investments
- Insurance and retirement
- Physical document management
- Court filings and probate

Digital Executor

- Email, social media, and photo accounts
- Online banking and bill-pay portals
- Health and insurance portals
- Cloud storage and streaming services
- Password vaults and 2FA codes

They can be the same person — or different people. Choose based on who is most tech-competent and available.

Source: Lexern Law, The Estate Plan FL

What Your Digital Executor Does

Accesses your personal accounts immediately — email, banking, health portals, and cloud storage, using credentials stored in a password vault

Pays bills and protects your finances — ensures mortgage, utilities, insurance, and subscriptions stay current during incapacity or after death

Preserves what matters — downloads family photos, saves important correspondence, backs up irreplaceable files before accounts close

Protects your identity — monitors for fraud, closes vulnerable accounts, removes personal information from accounts being shut down

Executes your documented wishes — which accounts to continue, which to close, which to memorialize, and how to handle any digital assets of value

Think of them as a trusted person who knows where you keep every key — except these keys open your entire digital life.

Who Should Your Digital Executor Be?

Your Digital Executor does not have to be the same person as your traditional executor. Choose based on trust, tech competence, and availability.

Trustworthy	Access to your email, banking, and personal files requires someone whose judgment and discretion you trust absolutely.
Technologically competent	They need to navigate password managers, two-factor authentication, and account recovery processes.
Available and responsive	Digital accounts require prompt attention. Bills autopay, subscriptions renew, and security alerts expire.
Legally authorized	They must be named in your estate documents with explicit digital asset authority under RUFADAA.

With a Digital Executor vs. Without

Scenario	Without a Digital Executor	With a Digital Executor
You die suddenly	Email stops. Bills go unpaid. Family photos may be lost forever.	Digital Executor logs in. Bills are paid. Photos are preserved.
You are incapacitated	No one can access banking, pay mortgage, or reach your doctors.	Agent under POA with digital authority manages finances immediately.
Health portal access needed	Family cannot view medical records or communicate with providers.	Digital Executor accesses MyChart, Medicare, and pharmacy accounts.
Email is compromised	Identity theft goes unchecked. Accounts are exploited for months.	Digital Executor secures accounts, changes passwords, reports fraud.

The difference between chaos and continuity is one appointment: the Digital Executor.

Empowering Your Digital Executor

Your Digital Executor has no authority without the right documents. Here is what needs to be in place:

Will or revocable trust — name your Digital Executor and grant explicit authority over digital assets including personal accounts, photo libraries, and financial platforms

Durable power of attorney — grant your agent authority over “content of electronic communications” for incapacity scenarios. This is how your bills stay paid while you recover

HIPAA authorization — authorize access to health portals, Medicare accounts, and medical records

Digital asset inventory — a secure list of every account, what it does, who needs access, and how to get in. Stored outside your will (wills become public)

Platform tool configurations — Google Inactive Account Manager, Apple Legacy Contact. Under RUFADAA, these override your will

Sample: POA — Digital Executor Authority

I grant my Agent authority over my digital assets as defined under the Revised Uniform Fiduciary Access to Digital Assets Act, including:

(a) access to the content of electronic communications sent or received by me, whether personal or business-related;

(b) authority to manage, access, modify, delete, or transfer my digital assets held by any custodian, including personal accounts, financial platforms, and health portals;

(c) authority to access health-related digital accounts and portals, supplementing any HIPAA authorization; and

(d) authority to consent or withhold consent on my behalf regarding disclosure to any third party.

This authority supplements and does not limit any other grant of authority in this Power of Attorney.

This is a starting point. Your attorney should tailor the language to your jurisdiction and specific needs.

Source: Va. Code § 64.2-123–124

The Bridge: Password Managers

A password manager is the bridge between your Digital Executor and the 100+ accounts they need to access.

One master password unlocks everything. All personal credentials in one encrypted vault.

Emergency access features. 1Password, LastPass, and Bitwarden let you designate a trusted person who can request access after a waiting period.

Free tiers available. You do not need to spend money. Bitwarden and Dashlane offer free personal vaults.

Store the master password securely. With your attorney, in a sealed envelope, or in a fireproof safe. Do NOT put it in your will — wills become public record.

Only 36% of Americans use a password manager. The other 64% leave their Digital Executor with nothing to work with.

Source: Security.org

Configure Platform Tools for Your Executor

Under RUFADAA, these settings override your will.

Platform	Tool	Action for Your Digital Executor
Google	Inactive Account Manager	Designate your Digital Executor as trusted contact for Gmail, Drive, and Photos
Apple	Legacy Contact	Set up on every iPhone, iPad, and Mac
Facebook / Instagram	Legacy Contact / Memorialization	Designate for personal profiles
Microsoft	Account close process	Document next-of-kin proof requirements
Yahoo / AOL	Inactive account policy	Review closure timelines and options

Configure these tools today. The defaults lock everyone out — including your executor.

Source: Google, Apple

Five Steps to Appoint Your Digital Executor

1	**Inventory**	List every personal digital account — banking, email, health portals, social media, photos, streaming
2	**Choose**	Select a Digital Executor — someone you trust who is tech-competent and available on short notice
3	**Document**	Add explicit Digital Executor authority to your will, POA, and trust
4	**Secure**	Store all credentials in a password manager. Give your Digital Executor a path to the master key
5	**Configure**	Set up platform tools (Google, Apple, Facebook) and designate your Digital Executor in each one

The Checklist

Your personal action plan starts today

Checklist: Personal Digital Asset Inventory

☐ Online banking and bill-pay (checking, savings, credit cards)

☐ Personal email accounts (Gmail, Yahoo, Outlook, iCloud)

☐ Social media (Facebook, Instagram, X, LinkedIn, TikTok, Nextdoor)

☐ Photo and video storage (Google Photos, iCloud, Amazon Photos)

☐ Cloud storage (Google Drive, Dropbox, OneDrive)

☐ Health and insurance portals (Medicare, MyChart, pharmacy accounts)

☐ Investment and retirement accounts (brokerage, 401(k), IRA portals)

☐ Streaming and entertainment (Netflix, Spotify, Amazon, YouTube TV)

☐ Smart home devices (Ring, Nest, Alexa, security systems)

☐ Cryptocurrency wallets and exchange accounts

For each account: who logs in if you cannot? Open your workbook to page 1 and start your inventory.

Checklist: Appointing Your Digital Executor

- ☐ Choose your Digital Executor — a tech-savvy, trusted person
- ☐ Add explicit digital asset provisions to your will or trust
- ☐ Grant your POA agent authority over “content of electronic communications”
- ☐ Consider a HIPAA authorization for health portal access
- ☐ Set up a password manager and store all personal credentials
- ☐ Configure emergency access so your Digital Executor can request the vault
- ☐ Set up Google Inactive Account Manager for Gmail and Photos
- ☐ Designate Apple Legacy Contact on all devices
- ☐ Store master password securely — not in your will (wills are public)

Bring this checklist and your completed workbook to your next meeting with your estate planning attorney.

Your Digital Executor in Two Scenarios

Your plan needs to work for both. Your Digital Executor may have different responsibilities in each.

If You Are Incapacitated

- Executor accesses accounts under POA
- Keeps bills paid and finances current
- Communicates with family and doctors
- Manages health portal access
- Maintains home services and subscriptions
- Reports to family or co-trustee

If You Die

- Executor accesses accounts under will/trust
- Transfers or closes accounts per your wishes
- Preserves family photos and correspondence
- Secures personal data and prevents identity theft
- Notifies contacts and social media connections
- Memorializes or deletes accounts as directed

Review Your Digital Executor Plan Annually

The digital world changes faster than any other area of estate planning. An annual review is essential.

Is your Digital Executor still the right person? Have they moved, changed roles, or become less tech-engaged? Update your documents if needed.

New accounts or platforms? Did you join a new health portal, switch banks, or add streaming services? Update the inventory.

Password manager current? Are all credentials in the vault? Test that your Digital Executor's emergency access still works.

Life changes? Marriage, divorce, retirement, relocation, health changes? Your estate documents may need updating.

Platform tools configured? Platforms update their terms regularly. Check that your Google, Apple, and Facebook settings still point to your Digital Executor.

Key Takeaways

- Your life runs on digital assets no one else can access. That is the problem.
- A Digital Executor is the solution — a fiduciary appointed to manage your digital life.
- RUFADAA gives them legal authority — but only if your documents use it.
- A password manager is the bridge. Without it, your Digital Executor has no keys.
- Start today: choose your Digital Executor, update your documents, configure platforms.

"Plan early. Speak openly. Love generously."

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