

Expired page

What happens to your Facebook account once you pop your clogs?

BY HEATHER SPENCER

Just as there shouldn't be a free-for-all for your valuables when you die, some Oklahoma City attorneys say your Facebook and other online accounts should be protected as well.

When you die, there are a million little details your family or friends attend to: funeral arrangements and will readings, closing or transferring bank accounts and tying up loose ends at work. Today, closing out your Facebook, blog and Twitter accounts must be added to the list.

It's not an issue people really think about when preparing for death, but it will matter if loved ones have to search through mounds of paperwork or are locked out of your e-mail account.

According to Oklahoma law, or lack thereof, your accounts may be held under intellectual property law or governed by the user agreement you approved when signing up for the service. Most states do not have provisions covering online assets.

Cynda Ottaway, attorney at Crowe & Dunlevy, said social media accounts essentially have no value except the need to keep privacy.

"Once you're dead, you can't be sued for libel or slander," she said. "Even if it looks like legalese, read the fine print (when signing up)."

Crowe & Dunlevy includes estate planning, trust and estate administration and litigation, and planning for family businesses in its practice areas. Ottaway said they've come across a few instances where family members needed access to these online accounts and were denied.



Drew Palmer and Cynda Ottaway, attorneys at Crowe & Dunlevy, peruse a Facebook page on her office computer.

Under the provisions on Facebook, family can memorialize a person's account.

The policy states: "Memorializing the account removes certain more sensitive information like status updates and restricts profile access to confirmed friends only. Please note that in order to protect the privacy of the deceased user, we cannot provide login information for the account to any-

one. We do honor requests from close family members to close the account completely."

However, the loved one still needs an e-mail address, which may have been used to create the account, as well as some other personal information. This prevents pranksters from trying to get an account deleted.

In late April, internal auditors and lawyers for Facebook completed a site governance vote for users to voice opinions on documentation to govern the site. More than 665,000 users chose a new rights and responsibilities statements to replace the existing terms of use.

The new principles allow users to maintain sole control and rights to information posted to the site, allowing limited permission for Facebook to use it. However, users still need to keep passwords confidential until such a time as is necessary, such as death or incapacitation, to release it.

Ottaway stressed the need to keep all information current and to not create confusion by giving out different versions to different people. Above all, traditional wills still come in handy.

"Let everyone know who all is involved. Be precise as to who is entitled. The fallback is your will," she said.

Rev. Mark Wallace of St. Andrew Orthodox Church in Oklahoma City has had a will in place for the last five years. He uses Facebook as a way to keep in touch with parishioners and reach out to old friends.

Because he uses software that

remembers all of his passwords, he hasn't written down the information.

"I'm fairly typical in that I don't have (everything written down)," he said. "I'm well aware that there will be a day when we are no more on this earth. I just figure someone will get the word out."

Drew Palmer, an associate at Crowe & Dunlevy, works with patent and copyright laws, particularly dealing in software. He's looking into an online service out of San Francisco called Legacy Locker. The service purports to provide a secure database to keep all user names and passwords in one place and release that information to a person you select once you die.

"It's the equivalent to an online safety deposit box. If circumstances arise, legal recourse is still available. It seems that storing user name and passwords is a practical way to access."

Ottaway said most people are familiar with a will, but have no protection for their online accounts. With centuries of law in place dealing with wills and safeguards to prevent abuse, bank accounts and assets are covered. Usernames and passwords should likewise be kept in a safe place and a trusted person should know where they are.

"If I give you a key to my house, I'll trust that you won't come in and steal everything from me," she said. "It's the same power of attorney." **OKC**