

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

700.1008 Disclosure of other digital assets of deceased user to personal representative.

Sec. 8.

Unless the user prohibited disclosure of digital assets or the court directs otherwise, a digital custodian shall disclose to the personal representative of the estate of a deceased user a catalogue of electronic communications sent or received by the user and digital assets, other than the content of electronic communications, of 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 a court order.
- (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 user's account.
 - (ii) Evidence linking the account to the user.
 - (iii) An affidavit stating that disclosure of the user's digital assets is reasonably necessary for administration of the estate.
 - (iv) A finding of 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 contents of electronic communications of a user is reasonably necessary for administration of the estate.

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