

IS YOUR FINANCIAL LIFE ONLINE?

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The Tennessee legislature passed a law that became effective July 1, 2016, that you should know about. It pertains to your “digital assets” – usernames and passwords for your online accounts.

The law gives you the power to give someone else the right to access your online accounts if you become disabled or die. Such access can be critical if you have chosen to manage your financial or other accounts online and have eliminated receiving paper statements.

Access to online accounts can be very important for anyone acting as your fiduciary, such as an agent acting under a Power of Attorney document, a Trustee of a Revocable Living Trust or an Executor.

You also have the power to block access. Any agreement you have with a Custodian (the name given to online providers in the law) supersedes the powers granted by this law. This can also be expressed in your will.

A Custodian is defined as any entity that “carries, maintains, processes, receives, or stores digital assets” for you. The definition “digital assets” is broad enough to encompass financial accounts, healthcare records and email accounts, among other things.

You can take advantage of this new law by having your attorney add a provision to your Power of Attorney document and your will. As with any law, there are a lot of special provisions and details to address the “What ifs” of our lives. The most important provisions are easy to grasp.

Most of us probably have a lot more than our financial lives online. We have photo sharing accounts, important historical family information and any number of other things that we wouldn’t want lost if we couldn’t log in ourselves.

If your financial life is on the Internet, you should talk to your attorney about addressing this in your important legal documents.