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Digital afterlife: Leaving your legacy online

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Sign a Digital Will to bequeath your confidential and personal electronic, online assets to your loved ones

Harmindar Chawla (name changed on request) was just coming to terms with his father's untimely death when he received an email from his father's lawyer. It contained passwords to electronic records that belonged to his father. It also had details of data locked in CDs, DVDs, and cloud- or internet-based services like Facebook, Flickr and Gmail.

Chawla rummaged through the online files to unearth a treasure trove. While the files did contain confidential information that were crucial for business continuity, what he loved most were the rare family photographs his father had left behind on Flickr and other emails which brought back fond memories.



Chawla is one of the few Indians to have a thoughtful and a tech-savvy father who knew the importance of a Digital Will.

"Indians are very slowly waking up to the importance of handing over confidential digital (electronic and internet-based) documents to their loved ones," said Pavan Duggal, Supreme Court lawyer and cyberlaw expert. "For confidential reasons, I cannot disclose any details, but I have had hardly five clients who have signed a Digital Will to bequeath their confidential data to the next of kin. These are the crème de la crème of

the society, besides being tech-savvy people."

"People have no clue how much digital data they generate, and there's so much data they may wish to share with their loved ones even after they are gone," he added.

The massive information creation is being driven by globalisation, proliferation of online social networks through increasing mobility and broadband access, and with all major forms of media — voice, TV, radio, print — moving from analog to digital.

The number will only increase. Global digital information this year will cross the gigabyte threshold and reach 1.2 zettabytes, according to Manoj Chugh, president, EMC India & SAARC.

One zettabyte is equal to one trillion gigabytes. This equals "Tweets" by nearly every man, woman and child continuously for 100 years or data that can be stored in 75 billion fully-loaded 16 GB Apple iPads. It could fill the entire area of Wembley Stadium to the brim 41 times, the Mont Blanc



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Globally, users are realising the importance of this trend. Around 30 people from the US, Canada and one from the UK, for instance, celebrated the first 'Digital Death Day' on May 26 this year. The main theme that emerged was around the issues relating to digital assets and property rights.

A Digital Will in India, however, is not part of an existing legal framework. "While the IT Act 2000 protects the sanctity of electronic records, there's no such provision for Digital Wills. This has been the case for almost a decade since the Law came into being. The government ought to revisit this," said Duggal. Nevertheless, a Digital Will will help in securing data from most third-party and cloud-based email, video, photo-sharing and storage service providers.

What does one do if there was no Digital Will?

Most email providers hand over the deceased's password on receipt of a proof of identity from a family member.

For instance Gmail does not delete the deceased user's account — that has a storage capacity of up to 7GB (around 70,000 e-mails with a small or medium picture attached to them). It allows the next of kin to apply for the access of the deceased user's email account. The applicant would have to prove his/her own identity, produce the death certificate of the account holder and a proof of an email between him/her and the deceased.

Similarly, to access a dead person's content on YouTube (owned by Google), you will need to fax or mail the site your full name, contact information, a verifiable email address, the YouTube account holder's name (the one who is dead), a copy of the death certificate; and a copy of the document that provides you with a Power of Attorney for the YouTube account. The site takes 30 days to process and validate the documents.

Twitter's approach is somewhat similar. "If we are notified that a Twitter user has passed away, we can remove their account or assist family members in saving a backup of their public Tweets," states the stie.

Facebook creates a 'Memorial' of sorts. "...we created the idea of 'memorialised' profiles as a place where people can save and share their memories of those who've passed away...Memorialising an account also prevents anyone from logging into it in future, while still enabling friends and family to leave posts on the profile Wall in remembrance..." states the Facebook site.

When someone dies, his/her successor will be able to access the Hotmail account of the deceased by providing his/her identity and a copy of the death certificate within a specific period of time. Hotmail deletes accounts if the user does not access it for 270 days. The email service provider does not allow account holders to give an advanced notice requesting them not to allow anyone to access the contents in case of his/her death.

Yahoo!, meanwhile, hands over the data only if it is mentioned in the Will of the account holder. In the absence of a Will, the next of kin of the deceased can ask for the closure of the account but will not be given access to it.

While a Digital Will may offer no solace as you mourn your loved ones, they may, perhaps, allow you to cherish some memories long after your loved ones have departed.

UNLOCKING DATA IN YOUR ABSENCE

San Francisco-based Legacy Locker offers (for a monthly or lifetime fee) a service wherein users can upload and store your passwords and documents, which are then e-mailed to your nominee should the worst happen to you. The site debuted in April 2009. DataInherit, which launched in June 2009, allows users to store data files, user names and passwords, as well as the name(s) of the inheritors.

A free Password Safe account provides 10 MB of storage and keeps up to 50 user IDs and passwords, with one designated beneficiary. Entrustet, which rolled out in March 2010, offers a free Account Guardian feature that allows you to name one digital executor, who will be in charge of deleting or transferring control of your digital assets to any of the upto 10 nominees. There are several others, including 'Dead Man's Switch', 'Death Switch' and '1000Memories'.

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