

DIGITAL ESTATE PLANNING:

How to Navigate Smartphones, Emails, and Other Virtual Assets



As society increasingly shifts towards virtual platforms, digital estate planning has become a necessary extension of traditional estate planning. From email accounts and social media profiles to cryptocurrencies and cloud storage, digital assets can hold both sentimental and monetary value. Managing these assets after death requires clear instructions and legal authority, but it's easy to overlook them entirely when estate planning.

If you've not yet considered how to manage this aspect of your final preparations, don't worry—this article will help you get started.

What Counts as Digital Assets

Digital assets refer to any online or electronically stored information that a person owns or controls. This includes tangible assets like smartphones, laptops, and external drives, as well as intangible assets such as email accounts, domain names, social media profiles, online banking credentials, digital photos, utility accounts, and subscription services.^{1,2,3} It also encompasses financial technologies like payment platforms, cryptocurrency wallets, and online investment portfolios.^{2,3}

Legal and Practical Challenges in Managing Digital Estates

One of the biggest challenges in digital estate planning is navigating the complex web of user agreements, privacy laws, and access restrictions these assets are governed by.^{1,2} For example, some digital platforms have terms of service that prohibit sharing passwords or transferring accounts. This means that even if someone lists digital assets in their will, their executor or loved ones might still face legal and technical hurdles accessing the accounts unless proper planning has occurred.

To address these challenges, it's important to document all digital assets and how to access them.^{1,2,3} This includes things like usernames, passwords, PINs, and answers to security questions. These details should be stored securely, either in a physical location such as a safe deposit box or through a secure digital password manager. It is equally important to keep this list updated throughout digital account and password changes.^{2,3}

Additionally, due to the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA)—which has been adopted in most U.S. states—fiduciaries such as executors and agents with power of attorney can gain legal access to a deceased person's digital assets provided the proper documentation is in place. However, RUFADAA also respects the privacy preferences set by users

through online tools and account settings, such as Google's Inactive Account Manager or Facebook's legacy contact feature. If a user has indicated specific wishes through these tools, they will generally take precedence over directions in a will or trust.^{1,2}

Best Practices for Digital Estate Planning

Digital assets need to be listed in their own separate estate plan instead of within the will itself. In addition to only covering physical property, wills are published upon death—meaning any sensitive information contained within would become public information. Once a separate digital estate plan is established, it should be referenced within the corresponding will to ensure it isn't overlooked when the time comes.²

Planning for digital assets is not a one-size-fits-all process. For some, it may involve identifying a trusted digital executor who is technologically adept and familiar with online security practices. For others, particularly those with cryptocurrency or significant online business holdings, specialized planning may be needed to ensure the assets are preserved and transferred correctly.

A Smart Move for Anyone

Digital estate planning is not only for the tech-savvy or wealthy. Anyone who uses email, stores data online, or engages in digital transactions should consider speaking with an estate planning attorney to devise a legal document that ensures their digital footprint is managed according to their wishes upon death.

This article is for informational purposes only and is not a substitute for professional legal counsel.

¹Carlson, Bob. "Smartphones, Email, Other Digital Assets And Your Estate Plan." *Forbes*, 2024.

²"Digital Estate Planning: How to Protect Digital Assets." *Purdue Global Law School*, 2025.

³Logan, Caleb. "Digital Asset Estate Planning." *Elder Law & Advocacy*, 2025.

