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Global Public Policy

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Your Digital Will: Your Choice

By Bill Ashworth, Senior Legal Director, Public Policy

At Yahoo, we take our users' privacy seriously. That's why we're concerned with the draft legislation recently approved by the Uniform Law Commission (ULC), which would automatically give access to a person's online content – including emails, photos, and instant messages – to the trustee of their estate at the time of their death. As our colleagues at [NetChoice](#) phrased it: "...the ULC model sets the privacy default at zero."

There is no doubt that dealing with the loss of a relative is extraordinarily difficult. We do not believe, however, that the ULC's proposed legislation (known as the Fiduciary Access to Digital Assets, or "FADA") offers the right approach to providing a family or fiduciary the information they need. First, it does not ensure the privacy of sensitive or confidential information shared by the decedent or third parties. Second, the ULC's proposal is based on the faulty presumption that the decedent would have wanted the trustee to have access to his or her communications.

In order to protect our users' privacy, we honor the initial agreement that a user made with us. When an individual signs up for a Yahoo account, they agree to our Terms of Service, which outlines that neither their account nor the contents of their private communications are transferrable at the time of death. Our policy was crafted with our users' privacy in mind, as well as the privacy of those who are party to sensitive email communications.

We believe that account holders and individuals—not legislators—should determine what happens to a person's digital archives at the time of their death. When it comes to a person's digital archive, our team will continue to argue in favor of a user's right to privacy.

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