



NEW YORK STATE SENATOR

Hugh T. Farley

SEN. FARLEY REPORTS SENATE GIVES FINAL PASSAGE TO BILL MAKING IT EASIER FOR ESTATES AND OTHER GUARDIANS TO ACCESS ONLINE ACCOUNT INFORMATION

SENATOR HUGH T. FARLEY June 10, 2016



State Senator Hugh T. Farley (R, C, I – Schenectady) announced that he and his colleagues in the New York State Senate gave final passage to legislation that makes it easier for the family of someone who dies to get access to important online accounts. Bill S7604A removes barriers faced by estates and other legal guardians so that they can gain access and manage digital assets when authorized by the account owners.

In the past, when property was mostly in tangible form, there was little doubt of its ownership. When a property owner died or became unable to manage their property, the owner appointed a fiduciary who was authorized to access necessary information, often from a business with a brick and mortar building. Access to online accounts, however, has been more difficult to obtain due to online service agreements designed to protect the privacy of the account holder's information and federal laws that criminalize or penalize the disclosure of account information to anyone without the user's consent. Without state legislation specifically authorizing account disclosure, many service providers will likely continue to refuse to provide access or release content upon the death or incapacity of a user, hindering the ability of fiduciaries to fulfill their responsibilities and families to close an estate after a loved one's death.

This measure restores control of digital assets back to the owner and removes the ability of the service provider to deny access to an authorized fiduciary. To protect the privacy of the owner's digital assets, a procedure would be put in place for the owner to direct both the disclosure or non-disclosure of account information to executors or administrators of a decedent's estate, guardians of a ward or protected person, agents acting with power of attorney, or trustee estates.

The bill will be sent to the Governor.

RELATED LEGISLATION

2015-S7604A

- Introduced

- - In Committee Assembly
 - In Committee Senate

- - On Floor Calendar Assembly
 - On Floor Calendar Senate

- - Passed Assembly
 - Passed Senate

- Delivered to Governor

- Signed By Governor

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Relates to the administration of digital assets

May 11, 2016

Senate Floor Calendar

Sponsored by **John J. Bonacic**

Do you support this bill?