



February 15, 2018

Senator Erin Lynch Prata, Chairperson
Senate Judiciary Committee
Rhode Island State Senate

RE: *Support for S 2275 - Relating To Probate Practice And Procedure -- Revised Uniform Fiduciary Access To Digital Assets Act*

Dear Chair Prata and members of the committee:

We write to support S 2275.

We recognize the need of fiduciaries to wrap-up estates, and some of the challenges fiduciaries face when it comes to accessing electronic communications of the deceased. At the same time we need to respect the privacy expectations of the deceased, the privacy of those with whom they communicated, and federal privacy law. To that end, S 2275 achieves the balance for all these concerns.

Under S 2275, Rhode Island would allow its citizens to choose their afterlife privacy while allowing the fiduciary to wrap-up the estate and comply with federal law.

Over 30 states have passed laws like S 2275 – including California, Connecticut, New York, Vermont, Virginia, and Washington.

Under S 2275:

- The privacy expectations, statements in a will, and settings chosen by users would remain after the user dies.
- Fiduciaries can see the banks, investment managers, and accountants with whom the deceased corresponded. This lets fiduciaries identify important interactions and contact those institutions as part of settling the estate.
- Fiduciaries can see the contents of communications *only* when the deceased expressly allowed it in their will, or when there is some other evidence of user consent. If the deceased allowed disclosure of these communications, then service providers must comply, subject to verification.

For all these reasons, we support S 2275. Thank you for considering our views. Please let me know if I can provide further information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Carl Szabo".

Carl Szabo
Vice President and General Counsel, NetChoice
www.netchoice.org

A handwritten signature in blue ink, appearing to read "Matt Mincieli".

Matt Mincieli
Northeast Region Executive Director, TechNet
www.technet.org