



Sen. James B. Eldridge, Chair
Rep. Claire D. Cronin, Chair
Massachusetts Legislature
24 Beacon St.
Boston, MA 02133

September 8, 2019

RE: *Support for H.3368 & S.936 relative to the privacy of a decedent's electronic communications*

Dear Chair Eldridge, Chair Cronin, and members of the committee:

We write to support H.3368 & S.936.

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, H.3368 & S.936 achieves the balance for all these concerns.

Under H.3368 & S.936, Massachusetts would allow its citizens to choose their afterlife privacy while allowing the fiduciary to wrap-up the estate and comply with federal law.

46 states have passed laws like H.3368 & S.936 – including California, Connecticut, New York, New Hampshire, Maine, Oregon, Vermont, Virginia, and Washington.

Under H.3368 & S.936:

- 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 H.3368 & S.936. Thank you for considering our views. Please let us know if we can provide further information.

Sincerely,

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46 States have already enacted the Uniform Laws Commission's Revised Uniform Fiduciary Access to Digital Assets Act (RUFADA)

