

NetChoice *Promoting free speech and free enterprise on the net*



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Sen. Patrick M. Browne, Chair
Appropriations Committee
Pennsylvania State Senate
Harrisburg, PA

October 21, 2019

RE: *Support for SB 320 enacting the Revised Uniform Fiduciary Access to Digital Assets Act;*

Dear Chair Browne and members of the committee:

We write to support SB 320.

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, SB 320 achieves the balance for all these concerns.

Under SB 320, Pennsylvania 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 SB 320 – including Maryland, New York, Ohio, Virginia, and West Virginia.

Under SB 320:

- 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 SB 320. 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)

