

NetChoice *Promoting Convenience, Choice, and Commerce on the Net*

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Delegate Bonnie Cullison
House Office Building, Room 350
6 Bladen St.
Annapolis, MD 21401

March 15, 2016

RE: *Support for HB 507, Maryland Fiduciary Access to Digital Assets Act*

Dear Chairman Cullison and Members of the Committee: :

We write to support HB 507, the Maryland Fiduciary Access to Digital Assets Act.

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, the HB 507 achieves the balance for all these concerns.

Under HB 507, Maryland would allow its citizens to choose their afterlife privacy while allowing the fiduciary to wrap-up the estate and comply with federal law.

Other states are passing the model Revised Fiduciary Access to Digital Assets Act – earlier this month it passed the Florida Senate unanimously, and is moving in Arizona, Hawaii, Illinois, Michigan, Mississippi, Pennsylvania, South Carolina, Tennessee, West Virginia, and several other states.

Under HB 507:

- 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 HB 507. Thank you for considering our views. Please let me know if I can provide further information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carl Szabo".

Carl Szabo
Policy Counsel, NetChoice

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