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# Social Media and “Digital Death”

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For most of us using social media is now part of our everyday lives, but have we even considered that the personal information, data and pictures we post on these sites actually become our assets? If this is the case then careful thought needs to be given to what happens to them when we die. Rarely do we think about our families, left behind after we have “logged off” for good, and the problems they may experience in gaining access to our accounts even just for the purpose of administering our estate.

When we die, do our online accounts automatically die with us? Who has access to them? We effectively leave behind a digital legacy and there have been recent cases have shown that this could become a significant concern.

In fact, it has become apparent that these accounts do not close or die with us. That being the case, the ownership and access to such information is the key question. We can all see that Facebook has changed its policies with regard to “memorials” yet request a notification of death and authority to act. However, other Internet Service Providers (ISPs) have their own policies and so there doesn't seem to be any clear consensus on the matter.

Recently there have been several Digital Death Day conferences in London. These have taken place to open the discussion on the topic and to make us all aware of the factors to consider.

An example of this is the particularly sad case of a Soldier who died after serving in Iraq. When his parents were trying to access his emails and photos to try and

create a memorial to him, Yahoo said that they did not have the right to this information without consent as it was deemed that it was still personal and confidential to their son. It took a long and stressful court case before Yahoo conceded and agreed to pass the information on.

This teaches us the lesson that we must consider these online accounts comprise assets, assets that belong to us. Therefore we should check with the individual ISP the rules on ownership and those that take effect in the event of our death. It is also worth checking if we should give specific written permission to our family to be able to access these accounts should this happen. The responsibility lies also with the ISPs who need to establish clear guidelines and policies. Unfortunately, the problem is not made easier due to the fact that many of these Companies fall outside of the UK and are therefore not subject to UK legislation.

It has been suggested that in future we may be able to register or nominate a person (who would have to prove their identity and submit proof of death) who we would like to act as our “Digital Executor” which may spare our family from certain repercussions from our online life!

For the time being, our advice is to be aware of where you stand with your social media assets.

For further support with this or any other HR issue, BVNA members can call the BVNA BVNA Legal Helpline on 01822 870270 or email [nickyackerley@hrsupportconsultancy.co.uk](mailto:nickyackerley@hrsupportconsultancy.co.uk).