

March 13, 2015

**To:** Chair Barker, Vice-Chair Krieger, House Judiciary Committee Members  
**From:** Supporters of HB 2647 (with -1,-2,-3 amendments) – Privacy Expectation of Afterlife Choices  
**Re:** HB 2647 (with -1,-2,-3 amendments) Public Hearing

Dear House Judiciary Members,

As the use of online services to communicate becomes more prevalent, it is important to consider individuals' digital afterlife. For those users who have not yet considered their digital afterlife, HB 2647 – Privacy Expectations Afterlife and Choices Act (PEAC) with the -1,-2, and -3 amendments – offers a pathway for estates to be properly closed by a fiduciary or the executor (often times a next of kin), while maintaining the privacy of the deceased and those who communicated with the deceased. The bill also stays within the bounds of federal law that strictly governs the disclosure of digital communication content.

PEAC is a national model developed by online communication service providers with input from the National American Civil Liberties Union (ACLU) and other privacy and consumer protection groups. HB 2647 as amended:

1. **Honors people's explicit choices regarding their privacy afterlife.** The privacy expectations, express statements of wills, and affirmative choices of users remain when the user dies.
2. **Respects the privacy expectations of people who corresponded with the deceased.** People expect service providers to respect agreements regarding privacy of communications – even when the other party to the communications dies.
3. **Allows fiduciaries and executors to get access to electronic records needed to handle the deceased's fiscal estate** (e.g., the banks, stock managers, and accountants with whom the deceased corresponded).
4. **Avoids improper disclosure of accounts.** This model requires a court to ensure the account requested is that of the decedent (e.g., it is the right John Smith's email account) and is necessary to resolve the decedent's fiscal affairs.
5. **Complies with existing federal law – Electronic Communications Protection Act (ECPA).** The bill operates within the parameters established by federal law so that litigation can be avoided.

We urge your support.

Sincerely,

amazon.com<sup>®</sup>

Aol.

at&t

CenturyLink<sup>®</sup>

facebook

Google<sup>™</sup>

YAHOO!

NetChoice

TechAmerica  
Powered by CompTIA

TechNet

