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Sent: Tuesday, March 24, 2015 6:53 AM
To: Sen Prozanski; Sen Kruse; Sen Burdick; Sen Gelser; Sen Thatcher
Cc: Deitrick Eric; Newell Channa
Subject: Support SB 369

Recommend Passage of SB 369 – Uniform Fiduciary Access to Digital Assets Act (UFADA)

Dear Senators --

I am writing to urge you to support SB 369.

For centuries, the law has entrusted certain fiduciaries with the power to manage the affairs of the deceased and protected persons. Sometimes there is property which by its nature must be kept confidential to honor a decedent's specific instructions.

SB 369 provides fiduciaries with the same level of access to digital communications as they have with physical documents of a decedent or a protected person. This level of access allows executors, personal representatives, conservators, guardians, trustees, and agents under powers of attorney to access the digital information necessary to identify the decedents or the protected persons' assets, liabilities and electronic communications. Under current law these digital assets can be lost if providers refuse to allow a fiduciary access to a decedent's accounts.

HB 2647 is the tech industry's response to SB 369. The biggest problem is that HB 2647 would require the opening of a probate process for personal representatives and estate administrators to recover electronic communications of a deceased person. Failure of that representative to do so and gain the access, may mean that very important information on assets, claims, and liabilities of the decedent would be lost. This will add an unnecessary and expensive layer for estate administration. And, the probate process is public record. So, rather than protecting privacy, HB 2647 will likely result in a loss of the very privacy it purports to protect.

I recommend that you oppose HB 2647 and support SB 369.

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