



Michael Diamond, Adv.

מיכאל דיאמונד ע"ד

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Digital Assets

Failure to understand and address this new issue is causing extreme anxiety to families who find themselves excluded from their loved-one's digital estate. Unable to access photographs, email and social media, families are left distraught.

With more than 30 years computer experience, the writer offers unparalleled guidance in Digital Assets Estate Planning. Possessing a detailed understanding of the legal issues, the technology and internet company policies, I can help ensure that your Digital Assets are preserved and available for the next generation.

What are Digital Assets?

The last decade has seen an exponential increase in the amount of digital information each of us accumulates. It might be collections of music, photos (often in their thousands), drawings, manuscripts, research papers, computer programs, emails, and any number of products of our own creativity. The data might be on our home computers or stored on "the cloud." It may be our Facebook presence, or websites or blogs.

Meanwhile, today's younger generation is leaving huge footprints on Facebook, Instagram, and elsewhere.

What happens to this material when we die? Does it form part of our estate? Can it be accessed in the absence of the deceased?

Why you need to Plan

The existence of this material has opening up a whole new area of Inheritance Law. As it's new and uncharted, it is hugely important that you address the issue and plan. Failure to do so might exclude your heirs from your digital assets altogether.

The Law

The law hasn't yet caught up with digital reality and many countries - including Israel - don't yet have clear instructions. A legislative proposal went before the Knesset in 2014 but has not yet passed into law. The proposal was to declare Digital Assets part of our regular estate.

Are Digital Assets Part of your Regular Estate?

Who does your email belong to and can the service provider refuse access even to your heirs? What happens to your photo albums on Flickr?

The answers are not obvious. Perhaps you don't want your heirs to see your private email correspondence. Maybe you have photos you'd prefer your children do not see. If your Digital Assets are part of your regular estate, all of this will automatically pass to your heirs. Meanwhile, each internet company has its own rules and regulations - complicated by the borderless nature of data exchange that creates conflicts in private international law.

The law doesn't yet have answers, and it may take some time until it does. So what can you in the meantime to deal with this very real problem?

Removing the Uncertainty

You can remove a lot of uncertainty by proper **Digital Estate Planning**. This involves three principal elements:

- Proper organization
- Clearly recording your wishes
- Appointing someone qualified to fulfill your wishes

I will be happy to guide you to preserve your Digital Assets for the next generation.

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