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Dear Ms. Walsh,
Distinguished members of the ULC FADA committee,

Without going into a great deal of detail and dissecting the proposed FADA document line by line, I would like to make a few observations for review.

First and foremost I wish to thank all that have worked on the issue at hand-access upon death.

Diane and I see at least 4 areas that need addressing that may or may not be within the scope of the FADA Act.

1.) Accessing accounts upon death is important to the survivors but especially important when you consider the use of minors. While many citizens access the internet, acceptance among children has to be the largest percentage acceptance of any demographic including young adults. They certainly are targeted and will become dependent on access as young adults.

We would like to see some type of expedited access to minor children's accounts upon proof of death with a death certificate.

2.) Access to all decedent's accounts is the focus of FADA. The industry citing privacy and free speech must understand that without some type of access, families and friends without access to a decedent's account could lose all proof of existence of the decedent with the acceptance of today's society beyond a birth and death certificate. Gaining a copy of all transmissions may not go far enough. We may need password access to properly manage these online accounts and memories. Limiting access for up to 3-12 months should be sufficient. It should not be the goal of a family to force the electronic industry to perpetuate one's digital afterlife.

The Facebook generation is focusing on placing almost everything online. Accommodations for this new acceptance of storing personal, private assets online versus a diary or photo album must be dealt with before there is adverse impact to the Facebook generation or beyond.

3.) FADA almost needs to be visionary. With the advent of the digital cloud talked about today, we urge the FADA committee to fully vet the new technology of the digital cloud. As previously mentioned, password access versus a copy of online activity may no longer be sufficient.

4.) The fast and easy quick check box system must be discussed. Our discussions in Virginia legislature mentioned a second separate check box system for minors to give permission for parents' access. We said HELL NO. Please forgive us. The industry offered this second box with the admission that once the first box was checked; no one would think to look for a second box.

We countered that the children need to hand write a letter to the company notarized and sent certified mail through the USPS. While this was a bit in jest, we offered that schools are no longer teaching cursive writing so this would be the reason to continue teaching this skill. And the USPS is struggling and will go to a 5 day work week; perhaps we could save the USPS at the same time. While meant to be humorous and cynical, it was not received well.

The industry lobbyists agreed that children need to think about their decision which was agreed upon by all parties involved.

A last point that needs distinction but may not be within the focus of FADA Act is the definition of a paid account or free account. In our discussions, the sticking point in Virginia was a paid for contract versus a fee contract.

What we mean is the electronic industry was initially against our legislative effort. As the bills progressed focus on minors allowed many communication opponents withdraw opposition. The rationale was that they had a contract with an individual that spelled out these terms and service. And since they did not allow accounts those under 18, they could withdraw opposition.

The Motion Picture Industry and Music Industry questioned the legislation and opposed due to piracy and copyrighted property paid for by these children. They were worried about the new "cloud". We countered that anyone could sell the old albums or CD's at a yard sale so they heirs had a right to dispose of the property acquired as they saw fit.

Our contention is that an account that is entered into and a fee for service is charged already has some type of mechanism to handle death. This may be legal and binding. But simply accepting the terms and agreements in a free based system allows for points of contention. The free sites are selling ads so money is changing hands at the corporate level. And the fact that the computers within those free service electronic providers is allowing directed advertising towards those users. I almost said customers but do not feel that unless I pay for a service, I am not a customer—consumer maybe but not customer.

The FADA Act is making great strides in the right direction. It will need constant monitoring and updating perhaps every five years at least until technology slows. It seems there is no danger in it slowing anytime soon. The once far fetched Star Trek technology now seems attainable.

Forcing the industry, federal government and state government to look at the nexus of technology and use should be applauded by everyone. We certainly applaud and support the work of the ULC FADA committee.

Archeologists tell us a great deal about our ancestors as there were no written records or records that could be maintained. Without some type of digital asset reform now, we will remain indebted to archeologists in the future to tell future generations about the electronic world we live in today.

Why not make their job easier?

Sincerely,

Richard O. & Diane H. Rash
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A handwritten signature in cursive script, appearing to read "Richard O. Rash".

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