



July 3, 2013

Suzanne Brown Walsh, Chair
Professor Naomi Cahn, Reporter
Uniform Law Commission
111 N. Wabash Ave., Ste. 1010
Chicago, IL 60602

Dear Chairwoman Walsh and Professor Cahn:

On behalf of the American Civil Liberties Union (ACLU), a non-partisan organization with more than a half million members, countless additional activists and supporters, and fifty-three affiliates nationwide, we appreciate the invitation to comment on the Uniform Law Commission's draft legislation entitled the Fiduciary Access to Digital Assets Act.

The privacy concerns associated with providing fiduciaries nearly unfettered access to online accounts or online content are substantial, both for the individual whose information is shared and for individuals with whom he or she communicated online. In many ways, digital estates differ not just in degree, but in kind, from their offline analogues. This is to say that individuals do not simply retain more correspondence in online storage than they ever could in paper form, but that the keys to an individual's online accounts are likely to provide access to highly sensitive materials, such as internet dating profiles, that lack offline equivalents. In short, new technologies may require new approaches to old problems, including the settling of estates.

The ACLU will spend the next several months digging more deeply into this issue, and we hope to have more concrete privacy recommendations to provide in advance of your next meeting. If you have any questions or would like to discuss further in the interim, please don't hesitate to reach out to me at abohm@aclu.org or (212) 284-7335.

Sincerely,

Allison S. Bohm
Advocacy & Policy Strategist

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
NATIONAL OFFICE
125 BROAD STREET, 18TH FL
NEW YORK, NY 10004-2400
T/212.549.2500
WWW.ACLU.ORG

OFFICERS AND DIRECTORS
SUSAN N. HERMAN
PRESIDENT

ANTHONY D. ROMERO
EXECUTIVE DIRECTOR