

# Design Document:

# Digital Wills [VIRTUAL]

## Class Description

Learn about options available for how your online information and digital assets (photographs, social media accounts, digital music, etc.) can be safely managed after you’re gone.

## Course Length

60 minutes

## Staff Requirements

* Zoom : Credentials for the tech@ account are: -------
* Slides #3934614
* Handout #3934622

## Patron Requirements

## n/a

## Intro / Content Outline (3 mins)

* Share your screen to have **Slide** **1** ready that says welcome and the time that the program will be starting. Have your video off and have yourself on mute before getting started.
* Open the chat and select All Panelists and Attendees from the drop down to ensure that everyone sees any messages you type into the chat.
* Start the program right on the hour. Turn on your video and audio and:
	+ Introduce yourself
	+ Explain that everyone else is muted with their video off
	+ Go to **Slide 2**: which directs people to how chat works
	+ Explain how the chat works, making sure to emphasize that they change the drop down menu to all panelists and attendees
	+ Ask the patrons to write in the chat where they’re attending from today (or an ice breaker question of your choice)
	+ Encourage patrons to ask questions and write their comments throughout. Note that questions may sometimes need to be “parked” so we can get through the lesson. Will be addressed at the end or a follow up email will be sent.
	+ Send the Attendance Poll
		- End the poll after 60-90 seconds
		- Note down if anyone is watching with more than one person
		- Don’t worry about waiting until everyone answers – you will capture final statistics by looking at the webinar report after the program is finished

## Learning Objectives

**Slide 3**

By the end of the session(s), learners will be able to:

* Identify when and why they should write a will
* Know some options for getting help with writing a will
* Define what a digital will, digital estate, and digital assets are
* Know their options for dealing with digital assets

Point out that we are not providing legal advice and that we always recommend speaking with a legal professional. This class is intended to introduce participants to their options.

## Talking Points, Topics, and Activities (60 mins)

1. When and why you should write a will ([#]mins)
	* **Slide 4** A will is the best way to make sure that your estate (aka everything you own after your death) goes to the people and organizations you value most. Generally, it is recommended that a person creates a will as soon as they have valuable property/assets or when they have children.
	* Ask how many participants have a will, if they feel comfortable sharing.
	* Many people feel uncomfortable planning for their death. [Only 55%](https://www2.gov.bc.ca/gov/content/life-events/death/wills-estates/make-a-will-week) of British Columbians have signed, legally valid, and up to date wills. However, writing a will saves those you love time and money in managing and inheriting your estate. It also assures everyone that they are carrying out what you really wanted, rather than trying to guess. And it assures you that what you want to happen will happen!

## How to write a will ([#]mins)

* **Slide 5** Writing a will may be easier than you think!
* Depending on your assets and how complex they are, you may be able to write your own will using:
	+ A kit from [Self-Counsel Press](https://www.self-counsel.com/complete-canadian-wills-kit-download.html)
	+ [My Law BC](https://mylawbc.com/paths/wills/)
* In 2020, BC introduced legislation that once passed, will allow wills to be created and signed electronically (next time this is taught, check if enacted – received Royal Assent August 14, 2020, but regulations need to be drafted)
* However, it’s always a good idea to check with a legal professional. In order for a will to be valid, it has to follow property ownership rules and the law about wills. For example, if you have property in another country, things get much more complex legally and you should definitely consult a lawyer.
* Some options for [finding a lawyer](https://www.lawsociety.bc.ca/working-with-lawyers/finding-a-lawyer/), as listed on the Law Society of BC’s website:
* Any member of the public can call the [Lawyer Referral Service](http://www.accessprobono.ca/lawyer-referral-service) to get the contact information of a lawyer who will meet for a free 30 minute consultation.
* There are also many organizations that provide legal assistance for [low-income individuals](https://www.courthouselibrary.ca/how-we-can-help/legislation-case-law/guides/wills-personal-planning-resources).
* Otherwise, ask friends, family, co-workers, or others in your life for a personal recommendation.

## Making sure your will is up to date ([#]mins)

* **Slide 6** Every year, the government of BC designates a week [Make a Will week](https://www2.gov.bc.ca/gov/content/life-events/death/wills-estates/make-a-will-week) (it varies year to year). This is a great time to input into your calendar every year to make sure that your will is up to date. This upcoming year, you may want to plan to incorporate a digital will into your will.

## What is a digital will? ([#]mins)

* **Slide 7** A digital will is a will that outlines what a person would like to happen to their digital estate after they die.
	+ It can be part of a person’s overall will.
* A digital estate is made up of digital assets and digital accounts. Basically, it means anything of yours that is stored online or in a digital format. Anything from photographs taken with your smartphone to your Twitter account.

## What is a digital estate? ([#]mins)

* **Slide 8** Let’s get further into what digital assets and accounts are!
* Digital asset generally means an individual file. For example, a photograph taken with your smartphone, an email, a Word document.
* A digital account means an online account such as an email account, Facebook account, online banking account, etc.
* So you can have a digital account, such as a Google Photos account, and digital assets, the individual digital photos, within that Google Photos digital account.
* Check in with participants for understanding

## Why should I care about my digital estate? ([#]mins)

* **Slide 9** Ask participants: What are some reasons that you might care about your digital estate? (without looking at the handout :))

Digital estate planning can help you ensure a few important things:

1. That you pass on items of sentimental value such as photographs or email exchanges. Times have really changed and now our digital assets are our memories.
2. That you pass on items of monetary value. Most companies at this time won’t allow you to pass on digital items you’ve purchased such as music, movies, or books since you are not actually purchasing a copy of these things – you are purchasing a licence to access them. But companies such as Kobo and iTunes may allow the licence to be passed on to another user. You’ll also want to consider any accounts that may have virtual currency, such as PayPal. Travel rewards.
3. Subscriptions could continue to charge the estate
4. Provides access to your online accounts helps people manage your estate.
5. That you maintain privacy after death.

## What happens if you don’t manage your digital estate? ([#]mins)

* **Slide 10** Major companies have policies governing the terms and conditions of a user’s account but these policies usually do not protect a deceased person’s online privacy.
* If it’s not dealt with in a will, it can be nearly impossible for anyone to access your digital accounts after death.
* There are no laws as of yet in Canada governing digital estates after death. The Uniform Law Conference of Canada drafted and recommended a Uniform Access to Digital Assets by Fiduciaries Act that proposes that Canada extend the powers of personal representatives, guardians, attorneys, and trustees of a deceased person’s estate to include digital assets.
* The account will most likely:
	+ Stay online
	+ Provide the ability for others to continue to interact with the account
	+ May pop up in others’ “people you may know”
	+ And could potentially be at risk for identity theft
* And assets will go unused or not passed on to anyone.

## What to think about in managing your digital estate ([#]mins)

* **Slide 10** Do you want your accounts shut down immediately or shut down after time has passed, so that others can post condolences?
* Do you want emails deleted forever, or passed on to a friend or family member?
* Discussion with those who feel comfortable

## How can I manage my digital estate ([#]mins)

* **Slide 11** Make a list of all digital assets and accounts.
	+ The easiest way is to use a password manager such as LastPass or 1Password (recommended by Wirecutter). This will also help protect your digital estate now and is the #1 recommended security measure for online safety.
	+ Include: the username, password/PIN
* Create a digital estate plan
	+ Identify for each digital asset (group of assets) and account whether you want it to be deleted, memorialized, or passed on to a beneficiary
	+ Check the terms of service of individual accounts – this will help you be legally compliant (for example, read iTunes’ policy to see if you can pass on the license of the music you’ve purchased to someone else)
* Designate a digital estate manager.
	+ It may be easiest if this is the executor who is managing the rest of your estate.
* Include the instructions in your will
* Password managers generally have an Emergency Access feature. This means you would grant someone, or multiple people, the ability to request access one-time. You would set up a delay feature, so that you have, for example 2 hours or 2 days to deny the request. If you have not responded within that time, the person then has access to your account.
* Managing a digital will can be complex since it involves property law, contract law, and there are no laws in Canada as of yet that specifically address digital estates. You may want to check with a legal professional to ensure that your wishes for your digital estate will be carried out. Just know that if you don’t check with a legal professional or keep your will up to date, it may not be legally compliant.

## Other considerations ([#]mins)

* **Slide 12** Organizing your digital assets. If you’re passing on photos, emails, etc., it’s a good idea to have some organizational system so that you’re not passing on every email you’ve ever written! Or every photograph you’ve ever taken! It will also help you for the rest of your life. (plug File Management, etc.)
* Do not put any passwords in your will itself. A will may become public record after the estate has gone through probate.
* Digital accounts of a business may be an asset of the corporation or may be an asset of a sole proprietor, depending on whether the business is incorporated or not. It’s not always clearly defined and it can be very tricky to navigate, so it’s recommended that you speak with a legal professional if you have a business and want to figure out how to manage the business’s digital estate after your death.

## So when should you write a will? ([#]mins)

* **Slide 13** Based on what we went over, should now be expanded to three factors:
	+ When you have children
	+ When you have valuable assets (property, a business, etc.)
	+ When you have online accounts
* So basically everyone should have a will!

Further resources:

[Make a Will Week](https://www2.gov.bc.ca/gov/content/life-events/death/wills-estates/make-a-will-week), [How Do I Make a Will?](https://www.clicklaw.bc.ca/question/commonquestion/1147), <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1240&context=njtip>, <https://dailyhive.com/vancouver/create-digital-will-2019>

<https://globalnews.ca/news/5815503/will-estate-planning-digital-assets/>

## Wrap Up/Closing (2 mins)

* Highlight the upcoming technology classes and share the types of topics that will be covered
* Ask if there are questions and answer any that were “parked” during the session
* Thank participants for coming and ask them to complete the class survey before leaving