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"Protect Your Digital Information" Series: Give Your Executor Broader Powers



The digital assets of a deceased person are difficult to access. In 2016, the New York State Legislature enacted Article 13-A of the Estates Powers and Trusts Law titled "Administration of Digital Assets." The Legislature's aim was to provide a fiduciary of an estate some access to a decedent's digital assets, but the legislation is problematic. It does not provide an Executor or Administrator with broad abilities to access a decedent's digital information, and in many instances, a fiduciary is unable to access vital information.

As the Information Age continues to afford us with more means of electronically storing our personal data, it is imperative that individuals consider providing specific and broader powers to their Executors in their Last Wills and Testament. Such language within a Will allows a trusted Executor access to important digital information by right.

Now may be a good time to review your current estate plan, or create an estate plan if you do not have one, to ensure that a trusted loved one has full access to your digital assets.

At Makofsky & Associates, P.C. we help our clients prepare for the future, protect their assets and meet tomorrow's challenges with proper planning today.

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