AMERICAN CIVIL LIBERTIES UNION of CONNECTICUT

330 Main Street, Hartford, Connecticut 06106

860-523-9146 | www.acluct.org

Written Testimony in Opposition of Senate Bill 979, An Act Concerning the Connecticut Uniform Fiduciary Access to Digital Assets Act

Senator Coleman, Representative Tong and members of the Judiciary Committee. My name is David McGuire. I am the staff attorney of the American Civil Liberties Union of Connecticut (ACLU-CT) and I'm here to testify in opposition to Senate Bill 979.

The ACLU-CT is concerned that Senate Bill 979, much like the Federal Uniform Fiduciary Access to Digital Assets Act, does not protect the privacy rights of the decedent. The bill provides that in absence of instruction otherwise, all digital content becomes accessible to the fiduciary representative of the estate. We request that you reject this attempt to make the default complete access. The decedent should affirmatively grant access in their will, rather than have to affirmatively deny it. Most citizens do not have traditional wills because of the cost and time associated with hiring an attorney to draft it. The default provided by this law will therefore affect a large number of Connecticut citizens.

Digital communications and storage are already a large part of most people's lives. Digital information contains everything from bank accounts to text and voice messages. Unlike physical mail of the past, these communications are being stored in huge numbers because most host sites for these transmittals automatically store all this information, and there is not a limit on space that paper communications reach. Many people treat email and texts as they would a conversation, never meaning for it to be maintained and certainly not for it to be passed along as part of our estate and legacy. Granting default access to a deceased person's online accounts also implicates the privacy of the people in that person's social network who communicated with the decedent in a presumed private manner. Although the holder of the accounts may be deceased, those in communication with them may not be. S.B 979 also allows default access to the entire digital profile of a still living person who has an appointed conservator. Access to medical and financial accounts where necessary to aid in decision making is very different than access to social outlets. This is a choice to be made by the individual, not by the default laws.

This bill has serious implications for privacy rights. We respectfully ask the committee to reject this bill in favor of a bill that has digital privacy protection as the default.