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# YOUR DIGITAL ESTATE



## LEGAL PERSPECTIVES

By Carolyn Marchesani, Esq., Wolf, Baldwin & Associates, P.C.

In 2026, online accounts have become a common part of our lives. We have numerous accounts for our photos, social media, creative work, travel and entertainment. We also use online accounts for financial holdings and transactions, interactions with healthcare providers, and our business interests. The convenience of these accounts belies the difficulties that may arise when we are no longer able to control these accounts due to incapacity or death.

longer able to control these accounts due to incapacity or death.

It is vital for your estate planning documents to include language which allows access to your digital accounts. Review your documents and if they do not address this need, make an appointment with your attorney. You should review your Power of Attorney (POA) and your Will to confirm that there is language allowing your Agent (named in your POA) and your Executor (named in your Will) to have access to your accounts and any content that you created during your lifetime.

Additionally, if your Power of Attorney (POA) is over 10 years old, you need to update it, as the Pennsylvania laws and required language for this document have changed since 2015. While a POA document executed in 2014 or earlier is still legally effective, its outdated language may require further legal review by the recipient's legal department before it is

accepted. This may delay your Agent's ability to immediately provide assistance in an urgent or emergency situation.

The Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA) was enacted to address this issue of control, transfer, and access to digital content. Pennsylvania enacted a version of RUFADAA on July 23, 2020, and the law became effective on January 19, 2021.

The Act allows fiduciaries, including personal representatives, executors, and agents under powers of attorney, to access and administer digital assets such as email and social media accounts, digital photographs, online banking systems, and other electronic records only if the estate planning document expressly gives consent to do so.

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