

395A.080 Disclosure of other digital assets of deceased user.

Unless the user prohibited disclosure of digital assets or the court directs otherwise, a custodian shall disclose to the personal representative of the estate of a deceased user a catalogue of electronic communications sent or received by the user and digital assets, other than the content of electronic communications, of the user, if the representative gives the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) A certified copy of the death certificate of the user;
- (3) A certified copy of the order of appointment of the personal representative, an order dispensing with administration pursuant to KRS 395.455, or other court order giving access to the personal representative; and
- (4) If requested by the custodian:
 - (a) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;
 - (b) Evidence linking the account to the user;
 - (c) An affidavit stating that disclosure of the user's digital assets is reasonably necessary for administration of the estate; or
 - (d) A finding by the court that:
 1. The user had a specific account with the custodian, identifiable by the information specified in paragraph (a) of this subsection; or
 2. Disclosure of the user's digital assets is reasonably necessary for administration of the estate.

Effective: July 15, 2020

History: Created 2020 Ky. Acts ch. 63, sec. 7, effective July 15, 2020.