



Designation of Digital Fiduciary

FOR _____
Your Name

I, _____, as of _____, 20 __, hereby appoint and empower my
Your Name
_____, and if unable or unwilling, then _____, as my Digital Fiduciary, with sole authority to
First Representative Alternate Representative
deal with all my digital devices and digital assets, as defined in my state's Fiduciary Access to Digital Assets Act, or equivalent Act ("FADAA"),
under the terms described in this article.

My Digital Fiduciary shall act for me and in my name and on my behalf to exercise the powers listed herein with respect to my digital devices and digital assets. Except as otherwise provided in FADAA, my Digital Fiduciary, may exercise these powers independently and without the approval of any court. The terms and concepts used in this article are to be construed as broadly as possible. My Digital Fiduciary, however, shall exercise all powers in a fiduciary capacity in good faith, as a prudent person would using reasonable care, skill, and caution.

Third Parties. Any third party to whom this Designation of Digital Fiduciary is presented may rely upon an affidavit by my Digital Fiduciary stating, to the best of my Digital Fiduciary's knowledge and belief, that this power has not been revoked.

A THIRD PARTY WHO IMPROPERLY REFUSES TO ACCEPT THIS DESIGNATION OF DIGITAL FIDUCIARY WILL BE LIABLE FOR DAMAGES, INCLUDING REASONABLE ATTORNEY FEES AND COSTS, INCURRED IN ANY ACTION OR PROCEEDING THAT CONFIRMS THE VALIDITY OF THIS POWER OF ATTORNEY.

- 1.1 Communications.** My Digital Fiduciary may access and control communications intended for me, and communicate on my behalf, whether by mail, electronic transmission, telephone, or other means.
- 1.2 Electronic Accounts.** My Digital Fiduciary shall control, access, and use my accounts involving web-based communications or storage and web-hosted media, including but not limited to emails, messages, blogs, subscriptions, pictures, videos, e-books, audiobooks, memberships in organizations or commercial enterprises, and all forms of social media, whether or not those require a user name and password for access, even to the extent of compelling the provider to reset information for me to data of my Digital Fiduciary's choosing.
- 1.3 Consent to Release.** I consent to the release to my Digital Fiduciary by any person or entity that possesses or controls any of my digital assets or information, or that provides to me an electronic communication service, any electronically stored information or any record or other information pertaining to me. I intend my Digital Fiduciary to have full control over my digital content and my digital catalogue, as defined by FADAA. This article is my consent to all access and disclosure under the Electronic Communications Privacy Act of 1986, the Computer Fraud and Abuse Act of 1986, the FADAA, and any other applicable state or federal data privacy law, as they may be amended.
- 1.4 Consultants.** My Digital Fiduciary may employ any consultants or agents to advise or assist in decrypting any my encrypted electronically stored information or in bypassing, resetting, or recovering any password or other authentication or authorization on digital media or devices.
- 1.5 Liability.** Any third party requested to honor these powers of my Digital Fiduciary will not be liable for any losses, damages, or claims caused by compliance with the requested action, in addition to the protection provided under the FADAA.
- 1.6 Scope of Access.** My Digital Fiduciary will have all powers to access and control (1) any type of computing device of mine; (2) any type of data storage device or medium of mine, including physical storage media; (3) any electronically stored information of mine; and (4) any relationship between me and a provider of Internet or other network access, electronic communication services, or remote computing services, whether public or private. This article is subject to any individual agreements or acknowledgements I may have made with service providers or other custodians of my digital assets and accounts, as described in FADAA.

In witness whereof, I have executed this Designation of Digital Fiduciary as of the date first written above.

Signed _____
Your Name