

After death, preserve or delete social media?

By Johnny Diaz, Staff writer | May 31, 2013

Icha Ibanez has more than 600 friends and 223 photos on Facebook. Her profile photo shows Ibanez smiling, wearing a beret. Her daily updates highlight poems and funny sayings.

Ibanez died in January, but her page lives on through her family.

As South Floridians, particularly baby boomers and seniors, increasingly live their lives online, questions about the digital afterlife are arising more and more: What happens to social media sites and accounts when you go to the big server in the sky? Should your relatives preserve or delete them?

Ibanez's family made the decision because she was very active on Facebook.

"My brothers and I think she would have liked her page to stay up so people wouldn't forget her," said Cooper City's Marifer Avery, of her mother, who died from diabetes and kidney disease at age 62. "My mom was funny, smart and wise, and her ambition in life was to leave a mark behind. Her Facebook page gives us that."

As people pass on, their profiles can become part of an ever-growing virtual cemetery that keeps loved ones connected, whether they wanted that or not. Local attorneys and professors say they are seeing this issue coming up more.

Under its estate planning section online, even the U.S. government chimed in with a recent blog post on the importance of having a digital will and how folks can manage their online content after they die.

"It's something that I always bring up with clients. It's on my questionnaire for the first client meeting," said Greg Medalie, a Fort Lauderdale probate attorney and chairman of the probate and trust law section of the Broward County Bar Association.

Delray Beach probate attorney Pamela Higer-Polani said clients have been voicing concerns about their online assets so she came up with a seminar titled, "Who Inherits Your Website Page?"

"Look at the way we live our lives. Our lives are virtual, so it's no longer that we are probating or concerning ourselves with tangible assets," said Higer-Polani, who had her first one May 28 at Palm Beach State College Small Business Development Center. "We need to consider digital assets and what will happen to those assets upon our death."

She refers to digital assets such as Facebook pages, blogs, photo and video-sharing sites as well as online "cloud" storage accounts and email accounts. She suggests people plan their estates by making an inventory of these assets and including their logins and passwords along with instructions of what to do in the event that the user becomes debilitated or deceased. She also urges appointing a digital executor, someone to access and take control over the accounts.



Icha Ibanez's profile picture on Facebook. Although she passed away last January, her family keeps her profile active. (Courtesy / May 31, 2013)

"You need to make it somebody who is technologically savvy and able to get into those assets to notify the proper parties," Higer-Polani said. "Think about how difficult it will be for somebody if you don't do an inventory. There is a lot of content on those accounts. You want to make sure that the content dies with you."

But not everyone wants their photos and pages to be buried with them. Upon request, Facebook will change a deceased user's profile page into a memorial page, which allows friends and family to write on that person's wall and post photos. The requester needs to provide proof of death such as an obituary.

"Our standard procedure when we receive a report that a user is deceased is to memorialize the account, which restricts profile and search privacy to friends only, but leaves the profile up so that friends and family can leave posts in remembrance," said Andrew Noyes, a manager of public policy communications at Facebook, in an email. "This process creates a special place where the departed's friends and family can continue to stay connected and share information."

An appointed person with login and password information can deactivate a profile any time. Without that information, the person would need to send Facebook a formal or legal request to delete the account.

A similar policy applies at Twitter. Family members can request to remove an account or save a backup of that person's Tweets. If the family doesn't do anything, the account remains unchanged and open, according to Twitter spokesman Jim Prosser.

Or users can proactively manage what happens to their accounts after they die. Google has an Inactive Account Manager that allows users to give permission to family and close friends to access the content they saved on Google sites after they pass on.

Maria M. Garcia, a social media professor at Florida International University, discusses the topic in her classes.

"With the growing membership rates with this generation, it's going to become a major issue," she said.

Each site is different and deals with deceased user profiles on a case-by-case basis, she added, which makes it harder to plan ahead.

"Some are very strict, some are a little bit lenient because it is intellectual property," she said. "Many of the laws have yet to catch up to the growing technology and changes toward digital rights."

On the Sun Sentinel's Facebook page, readers debated how they deal with the online accounts of deceased friends or loved ones.

"We contacted Facebook to have our mom's page stay public but not active," wrote Stacie Huszar Garboden. "No new friends or tagging her in things. It's a way for us to write to her. It's a bit comforting."

But for others like Stacy Rosen, a social media page can be a painful reminder. After her father, Harris Rosen, died Thanksgiving Day 2010 from cancer at age 70, Rosen thought the page would be deactivated.

"I immediately assumed that if there is no activity for more than three years, it should be closed down," Rosen said.

But she admitted she is not very Internet savvy and wasn't sure where to go on the site or whom to contact at the social network. She also doesn't think she should have to provide a legal document such as a death certificate for social media purposes.

"It's a very personal situation and to reach out to something impersonal is difficult," she said. "It's just a constant reminder to me about my father's passing ... I go there and I see him when he was healthy and his last post, and there's no closure to it."

Writing a social media will

USA.gov recently posted a blog entry about how people can manage their online content once they die. Suggestions include:

Write a statement on how you would like your profiles to be handled.

Appoint someone as an online/social media executor. Give that person a list of all the websites where you have a profile, along with user names and passwords.

State in your will that the online executor should have a copy of your death certificate. The online executor may need this as proof in order for websites to take any actions on your behalf.

Review privacy policies and terms of conditions of each website where you have a presence.