

§ 36F-8. 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 personal representative gives the custodian all of the following:

- (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 letters of administration or letters testamentary of the personal representative, a certified copy of a small estate affidavit filed in accordance with G.S. 28A-25-1(b), a certified copy of a summary administration order described in G.S. 28A-28-3, or a court order.
- (4) If requested by the custodian, any of the following:
 - 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.
 - d. A finding by the court of any of the following:
 1. That the user had a specific account with the custodian, identifiable by the information specified in sub-subdivision a. of this subdivision.
 2. That disclosure of the user's digital assets is reasonably necessary for administration of the estate. (2016-53, s. 1.)