

§10-107. Disclosure of content of electronic communications of deceased user

If a deceased user consented to or a court directs disclosure of the content of electronic communications of the user, the custodian shall disclose to the personal representative of the estate of the user the content of an electronic communication if the representative gives the custodian: [PL 2019, c. 417, Pt. A, §107 (NEW).]

1. Written request. A written request for disclosure in physical or electronic form; [PL 2019, c. 417, Pt. A, §107 (NEW).]

2. Death certificate. A copy of the death certificate of the user; [PL 2019, c. 417, Pt. A, §107 (NEW).]

3. Letters of appointment or court order. A copy of the letters of appointment of the personal representative or court order; [PL 2019, c. 417, Pt. A, §107 (NEW).]

4. Record of consent to disclosure. Unless the user provided direction using an online tool, a copy of the user's will, trust, power of attorney or other record evidencing the user's consent to disclosure of the content of electronic communications; and [PL 2019, c. 417, Pt. A, §107 (NEW).]

5. Information requested by custodian. 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; [PL 2019, c. 417, Pt. A, §107 (NEW).]

B. Evidence linking the account to the user; or [PL 2019, c. 417, Pt. A, §107 (NEW).]

C. A finding by the court that:

(1) The user had a specific account with the custodian, identifiable by the information specified in paragraph A;

(2) Disclosure of the content of electronic communications of the user would not violate 18 United States Code, Section 2701 et seq., 47 United States Code, Section 222 or other applicable law;

(3) Unless the user provided direction using an online tool, the user consented to disclosure of the content of electronic communications; or

(4) Disclosure of the content of electronic communications of the user is reasonably necessary for administration of the estate. [PL 2019, c. 417, Pt. A, §107 (NEW).]

[PL 2019, c. 417, Pt. A, §107 (NEW).]

SECTION HISTORY

PL 2019, c. 417, Pt. A, §107 (NEW).

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