

# Protecting Your Privacy After Death

Rebecca Herold  
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Creating wills to distribute an individual's estate assets and settle other types of issues after death has been a common practice for many centuries; since at least ancient Greece. However, until the advent of easy online personal data sharing a few decades ago, no one gave too much thought, or concern, about how to continue to protect the privacy of an individual after their death. Now, with continuous online personal data sharing, along with collection of personal data through "smart" internet of things (IoT) products, and the use of artificial intelligence (AI) to generate information claiming to be about specific individuals, it is becoming important to the legacies of the deceased, and the impacts to their survivors, to plan for how to protect privacy after death. Here are a few key actions to take now, before you take your last breath later.

- Tell your trusted family members and/or friends about your organ and other body parts donations. Document your wishes for such donations. Even if donations are made through driver's licenses, most people still don't find out, and so those wishes are often not fulfilled. Consider keeping with your will.
- Document who you want to take care of your pets.
- Document whether or not you will allow your sperm, eggs, cells or DNA to be used for post-life procreation or cloning. It is increasingly common to harvest sperm and eggs from the dying and recently deceased.
- Document whether or not you allow your sounds, audio, video, or other personal representations of yourself to be recreated through the use of artificial intelligence (AI), or some other means, and used to "communicate" or otherwise interact with others, or be used in any other way.
- Document all your life insurance policies, benefits, and other types of ongoing income and how the survivors you are leaving them to can access them.
- Choose the photos, videos and audio recordings you want to be used at your funeral, memorial, celebration of life, or similar type of event.
- Destroy or otherwise irreversibly delete any photos, audio recordings, and videos you do not want anyone else to see or hear after your death.
- Consider leaving a video recording, sharing information about your life, and what you hope for the future and your descendants. These are increasingly included within memorial plaques, and even as part of cremation urns. If you want survivors to know your thoughts, and don't want to have others speak on your behalf about certain topics or claim to know what you thought or wanted, then put it into a recording.

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- When making funeral, memorial, and/or other types of celebration of life announcements, do not include home addresses or family contact information. Make sure you either have plenty of security cameras throughout your property that one or more of your survivors are monitoring during the funeral, memorial, visitation, celebration of life, etc., or have someone at the residence while these events are occurring.
- If you want to have some control over your legacy, and what is said or written about you after your death, write your own obituary ahead of time. Make sure you give it to someone or others that you trust to carry out your wishes.
- Keep your social media and other online information minimized. See how to do this in our other document, “Deleting Your Data from Online Locations from Privacy + Security Brainiacs July 2023.”
- Keep your email, online data storage repositories, and local built-in and external data storage drives cleaned up. Delete everything you no longer need, that has no sentimental value to you while you’re alive, and that you do not legally need to retain for a certain period of time, such as your tax papers.
- Leave all your passwords (to online banks, credit cards, social media sites, etc.) to those you trust in a secure, but easy for them to access location. For example, indicate within your will where your passwords (e.g., documented in a hard copy password directory/diary) can be found, such as in a safety deposit box or in a locked safe in your home, and then be sure to keep your passwords there up-to-date.
- Identify and gather into one location documents and files for any patents, trademarks, contracts with royalties or other ongoing payments you would have received for use of your intellectual property, property deeds, stock and bonds, and similar types of documents that will continue to have value after your death. Identify who will be given ownership of those items. Laws vary by country and state, so you may want to ask a lawyer for your jurisdiction who to accomplish this for your area.
- If you have a business with personal information about clients, customers, patients, or any other type of personal data, document what should be done with all your client information.
  - ✓ Identify any specific files with personal data the need to be sent to the associated individuals, such as patients, accounting customers, etc.
  - ✓ Identify any specific files with personal data that need to be maintained for legal purposes, for others’ healthcare, etc.
  - ✓ Identify any specific files that should be irreversibly destroyed, to protect the privacy of those individuals for whom services, goods, etc., were provided. Document those, explain where to find them, and make sure one or more of your survivors will destroy such information for you.

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- Some actions a business can take include:
  - ✓ Identify any laws and regulations that apply to your company concerning how to manage the personal information and service information, such as email and messages, in the event of death.
  - ✓ Consider all issues, make a decision and clearly document what you will do with the information of deceased customers and employees.
  - ✓ Obtain permission for any use of AI that involves the images and audio of any of your customers and employees, that includes after their death.
  - ✓ Write supporting policies and procedures to reflect your decisions.
  - ✓ Periodically test to ensure the procedures are effective. You do not want to wait until a death occurs to discover your processes do not work as envisioned.

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