**Libraries and Digital Legacies**

**Introduction:**

Before the ubiquity of the internet, the legacy of the dead was limited to the physical mementos and ephemeral memories they left behind with their survivors. With the advent of personal computers, digital legacies became more prevalent for the average citizen. Digital legacies encompass several categories of information and digital media such as social media websites, financial accounts and online storage, among others. All of these digital assets potentially require legal, financial, or emotional work to be done by survivors and the average citizen has not given it much consideration until it is tragically necessary. Libraries as hubs of information literacy are in a position to address the difficulties of digital legacies such as the major themes found in the literature which tend to fall into one of two categories: creation and cultivation, and protection and access.

**Creation and Cultivation:**

The creation of digital legacies involves the actual making or construction of those various parts that make up a digital legacy and is related to the process of cultivation. Cultivation of digital legacy is the active weeding and organization of digital assets. Seagraves (2020) article “Digitization and Personal Digital Archiving” in the American Library Association journal *Library Technology Reports*, approaches the topic of digital legacies from a practical vantage point of an archivist, and instructs the audience in how they can better create and organize the data in a manner that works best for the user. Preserving family and personal history is a common interest of Seagraves’s patrons and technology has proven to be a useful tool in storing that information. However, she argues that without backing up, naming, and organizing those files, they are effectively useless. Much like a library book placed in the wrong location on the shelves, poorly organized files effectively do not exist.

In the episode “My Digital Legacy” of the BBC podcast *We Need to Talk About Death*, the host Joan Bakewell begins by asking “Should we view our digital assets, the chatter as well as the financial stuff, much like our physical possessions? And if so, how should we plan to leave them behind?” (2017). We post pictures, observations about our day, and other memorabilia of daily life on social media sites. We buy digital music and books. Our financial records can be managed via online websites.

A video for the BBC website “What Will Your Digital Legacy Be?” (Namara, 2019) interviews Elaine Kasket, author of the book *All the Ghosts in the Machine*. She differentiates the ceremonies and cultural practices of the pre-internet and computer technology era with today. Whereas our ancestors had relatively limited access to the legacies of the dead, we have ample digital materials. Kasket argues that this abundance of material of can complicate the grieving process which is illustrated by another interviewee, James Messiah, recounting his experience of mourning a friend almost entirely through social media.

In the same video, Carl Ohman of Oxford Internet Institute, addresses the issue of weeding through the data of digital legacies, questioning what we should keep or delete, as there is almost an overabundance of information. James Wilson, a Senior Lecturer of Philosophy at University College London, suggests that digital legacy curation may become a profession. Kasket asserts “I’m going to be managing what I put online with what I feel is most important and most valuable. And in keeping it that reduced, keeping it that curated, keeping it that edited, so that for one, it’s not going to be that avalanche of things that my descendants inherit.”

The article “What is a Digital Legacy” from the Digital Legacy Association (2020), breaks down the results of an annual Digital Death Survey showing that the awareness of “digital legacies” has increased, but also indicates that survey takers were not necessarily more adept at planning them. A little less than half of respondents are the sole password holder for their computer and only 5.93 percent indicated they have made any documentation of what will happen to their social media accounts after death.

The report “Death and the Internet: Consumer Issues for Planning and Managing Digital Legacies” from Van der Nagel, et al (2017) for the Australian Communications Consumer Action network also notes that the issue of digital legacies is often reported on in the media but that managing digital legacies is not yet a wide spread practice.

Instead, the terminally ill seem to be the nucleus of the practice. Skinner’s *Good Housekeeping* article “What Happens to Your Social Media Accounts When You Die” (2019) is written for the general audience and cites that 90% of UK residents use the internet regularly but less than 20% have planned for their social media or digital assets after their death. In the BBC Three video “How to Live Forever: Rest in Pixels” (2016) several individuals are profiled including a teenager in palliative care considering means of curating her digital life and a London based start-up enabling individuals to record memorial videos. Tait’s article for *The Guardian* website (2019), stresses that planning for a digital legacy is not only for those who are terminal, but also that this forward thinking has not proven to be a very popular option for clients of social media services.

Leaver argues in the article “Researching the Ends of Identity: Birth and Death on Social Media” that “Joining a social media platform, or downloading and using a social media app, is situated legally as a relationship between a company and an individual user.” However, many individuals have that relationship started for them before they have the capacity to choose for themselves, sometimes even before birth as these social media platforms are a “integral part of the way most families interact” (2015, pg. 1). That relationship between the company and the individual is a major concern in the next theme of protection and access.

**Protection and Access:**

Protecting digital assets encompasses the variety of ways those assets are made unavailable or difficult to access for the general public or non-creator. The protection of digital assets is closely related to accessing them. Accessing digital legacies involves obtaining access to digital assets by either having or obtaining the legal right to bypass the protective measures put in place either by the creator or other controlling entities. Dickson’s article “The Digital Legacy Conundrum: Who Really Owns What?” tackles the concept of digital property ownership by contrasting the relatively simple historical understanding of executing the estate of the deceased with the current difficulties created by digital legacies. The legal and logistical difficulties of accessing a digital estate are exacerbated as Dickson argues “Many, if not most, people do not have a clear or accurate understanding of the extent of their digital estate” (pg. 275). Several examples of digital legacies and their potential legal complications for survivors are whether or not assets such as digital files (iTunes, Amazon, etc.) are transferable and the lack of industry standard practice.

The ownership of these assets after the death of the original account owner is a common legal issue. In the article “The Social Media Contradiction” Leaver (2013) differentiates social media as a social tool and as a media tool. The social aspect of sites like Facebook or Google can be taken for granted as fleeting instances of communication, but the media aspect is more permanent and used as a means of data mining for generating revenue. When an individual dies, their potential for this revenue generation is next to nothing as they are no longer responding to advertising. However, accessing these accounts can be notoriously difficult. The media value of these accounts becomes both financially and emotionally more important to the survivors. Facebook created memorial pages in 2009, but executors were unable to curate these pages. If the post was there when the originator died, it remained.

Moorefield-Land and Lang (2020) noted that inheritance laws have only dealt with physical property until the last few years and that little regulation is in place for online property. At the most basic level, many of us will leave behind phones and computers that others cannot access. As Van der Nagel, et al (2017) point out that it is entirely possible that social media companies of today may not exist in the future and that laws may not be on the side of the bereaved. As Elaine Kasket notes in the BBC podcast *We Need to Talk About Death* (2017) “I think that issues around control and access over legacy are probably the biggest novel thing about the territory that we are now in of death and the digital age.”

These actions of protecting digital legacies and accessing those legacies can be at odds. Perhaps this is due to the dilemma Stokes ponders in the article “Ghosts in the Machine: Do the Dead Live on Facebook?” (2011) which claims “The phenomenality associated with our practical and social identity is preserved in ways that allow others to continue to regard us as subjects of moral duties, principally the duty of remembrance” (pg. 16-17) or in other words, our online profiles serve as a kind of surrogate for our physical person, even after death. This understanding of online identities, and more importantly digital legacies, suggests there may be some moral ambiguity regarding the access and ownership of those same legacies.

Those online identities can be used in a variety of ways. Cooke’s article “The Good, the Bad, and the Ugly of Digital Legacies” (2020) is concerned with the political and ethical considerations of how the digital legacies of marginalized groups can be used against them in media to serve political agendas. She considers the death of Michael Brown, Sandra Bland, and Freddie Gray and the use of their digital legacies by the media to “act as judge and jury and perpetuate false, stereotypical, and damaging misinformation, disinformation, and malinformation” (pg. 13). Cooke’s article ends on a call to action, imploring people to improve information literacy, both as consumers and producers: “This means that people need to be more than just passive consumers. They need to be proactive creators of information and forethoughtful stewards of their own digital legacies and the legacies of others, especially those who are marginalized” (pg. 15). The article “Digital Citizenship, Digital Legacy, and School Librarians” by Dawkins (2020) attempts to instruct readers on just that by stressing that digital legacies should be included in the curriculum on digital literacy, noting that “they [administrators and teachers] omit digital legacy and address only a student’s digital footprint and its impact on future success and admission to college” likely because the topic of death can be uncomfortable for teachers and children (pg. 19).

**Conclusion:**

These four stages of digital legacies are complicated and the advice can be contradictory and confusing, such as the legality of sharing passwords or PINs, and the difficulties of an executor or survivors accessing the accounts (Klein & Parthemer, 2015; Leaver, 2015; Moorefield-Lang & Lang, 2020; Skinner, 2019; Van der Nagel, et al, 2017). Other matters such as the tangible financial nature of some of these online assets is also creating further issues for executors (Leaver, 2013; Moorefield-Lang & Lang, 2020). The continuing work of libraries will be to educate patrons in digital literacy including the creation, cultivation, protection, and access of their digital legacies. It is never too early to start.

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