



# Digital assets and death

## What do we mean by digital assets?

Very broadly, we need to distinguish between 'traditional' assets (e.g. bank accounts, listed and mainstream investments, utility accounts with credit balances) which simply have an electronic access point and other exclusively digital and 'newer' assets which the law is still catching up with (e.g. content in social media accounts, crypto assets and non-fungible tokens (NFTs)).

## How do I deal with 'traditional' assets which have an electronic dimension?

These can be approached in the same way as for equivalent assets without an electronic dimension. Namely, the provider will need to be notified of the death by those entitled to deal with the estate with the provider being requested to supply a date of death valuation.

In most cases the electronic access to the deceased's account will cease following notification of the death and the account will be frozen pending the executor / administrator supplying the provider with the Grant, following which the provider will take executor / administrator instructions on selling or transferring the account.

## How do I deal with 'non-traditional' newer digital assets?

Although this covers a wide array of new and interesting types of property, the same basic principles apply – if there is value here, an appropriate expert needs to be instructed to quantify this as at the date of death and this figure reported for UK Inheritance Tax purposes.

Following that valuation, title to the asset under English law passes to the executors / administrators with this title being proven by the Grant. With many of the controllers of these newer assets not being based or subject to the laws of England and Wales, their local legal requirements may need to be navigated too. Access rights which were exclusive to the deceased may also be an obstacle, but ultimately, unless the deceased had assigned or nominated another individual post death access rights, the correct people to deal with this post death under English law will always be the deceased's executors / administrators.

In summary, this is a new area and each 'non-traditional' digital asset will be handled on a case by case basis, applying the broad principles above.

