



# Alaska State Legislature

## Representative Matt Claman

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### House Bill 108

*“An Act adopting and relating to the Revised Uniform Fiduciary Access to Digital Assets Act; and relating to a specific electronic communications power that a principal may select for an agent under the statutory form power of attorney.”*

#### Sponsor Statement

House Bill 108, the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA) modernizes Alaska’s fiduciary law for the digital age. The bill brings Alaska’s fiduciary laws in line with laws existing in other states. The bill is an overlay statute that is designed to work in conjunction with Alaska’s current laws on probate, guardianship, trusts, and powers of attorney.

RUFADAA extends the powers of fiduciaries to include management of a person’s digital assets. Fiduciaries are the people appointed to manage another persons’ property when they die or lose the capacity to manage it themselves. Common types of fiduciaries include executors of a decedent’s estate, trustees, conservators, and agents under a power of attorney. Under current Alaska law, fiduciaries are limited in their abilities to manage digital assets. They are often prevented from accessing those accounts by password protection or restrictive terms of service.

This act provides legal authority for fiduciaries to manage digital property like computer files, web domains, and virtual currency. In order to maintain user privacy, the act also restricts a fiduciary’s access to electronic communications such as email, text messages, and social media accounts unless the original user consented in a will, trust, power of attorney, or other record.

House Bill 108 addresses the four types of fiduciaries: Executors or administrator of deceased persons’ estates; court-appointed guardians or conservators of protected persons’ estates; agents appointed under powers of attorney; and trustees. In order to gain access to the digital assets, House Bill 108 requires a fiduciary to send a request to the custodian, accompanied by a certified copy of the document granting fiduciary authority. Custodians of digital assets that receive a request for access are immune from any liability for acts done in good faith compliance.

In the internet age, the nature of property and our methods of communication have dramatically changed from what was common a generation ago. For most Alaskans today, regardless of demographic, it is commonplace for at least some of their property and communication to be stored as data on a server or accessed through the internet. House Bill 108 is designed to modernize our fiduciary law for the digital age.