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Guiding Framework

Digital Estate Planning Considerations Framework

By Jenny Tang

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This Digital Estate Planning Considerations Framework was developed by an Aspen Policy Academy Fellow while participating in the 2026 Science and Technology Policy Fellowship. This framework is intended to frame issues for estate planners when developing estate plans to account for the digital estate. It includes an outline of the key elements that estate planners should consider in managing an individual's digital estate. Note that since estate law varies by legal jurisdiction, you should consult an attorney on clients' specific circumstances and needs.

The full project, including a policy brief explaining the fellow's core recommendations, is available here. Please note that the author's opinions published here are their own. This publication does not reflect the views of the Aspen Policy Academy or the Aspen Institute.

Estate planning documents for digital assets should consider the following points:

- **Who's in charge:** Name 1 or more people who can use the person's accounts, with the same rights the person had as the account holder.
- **What they can see:** Give them access to the full content of emails and messages, not just records of who the person communicated with and when.
- **What they can do:** Let them manage the accounts and assets as fully as the law allows, including opening, sharing, transferring, deleting, or closing them. Clarify whether the heir will have ownership of or the ability to engage in transactions of underlying assets that are not electronic records.
- **Where it lives:** Consider what information is included and where it is stored: whether on a phone or computer, in the cloud, with an online service, or elsewhere.
- **Clear permission:** State plainly that the named person has the person's consent to use all of these powers to the extent permitted by law.
- **Permission for companies to cooperate:** Allow service providers to share the person's information with the named person.

- **The laws that apply:** Tie that consent to the relevant laws, including the state's version of the Revised Uniform Fiduciary Access to Digital Assets Act, the federal Stored Communications Act, and the federal Computer Fraud and Abuse Act.

This material is for informational purposes only and may not reflect the most current legal developments in estate planning. These informational materials are not intended, and must not be taken, as legal advice on any particular set of facts or circumstances. Please consult with a lawyer licensed in your jurisdiction for advice on specific legal issues.

If you'd like to learn more, see the full project, including a policy brief explaining the fellow's core recommendations, at aspenpolicyacademy.org/project/digital-estate-planning-2026.

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