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Post - mortem privacy and digital legacy - a qualitative enquiry

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Abstract

This paper presents the results of the first qualitative empirical study on digital legacy and post-mortem privacy in the UK, shedding light on experiences, practices, perceptions, and limitations in the field. Our research confirms and extends existing theoretical and doctrinal work, validating key arguments, assumptions and ideas. The study unveils critical issues surrounding awareness, platform behaviours, and the limitations of current practices, exacerbated by the global impacts of the Covid-19 pandemic.

Central to our findings is the overwhelming lack of awareness among users, practitioners, platforms, and regulators, highlighting a pressing need for increased engagement from the media, academics, and professional associations. The study identifies key drivers for change, emphasising the role of individual grief, high-profile cases, and technological advancements.

Legal professionals, facing obstacles in the absence of clear regulations, exhibit leadership and creativity in addressing client needs, claiming a new expertise in the evolving field of digital legacy. Contrary to the clear call for law reform among practitioners, regulators acknowledge the growing importance but prioritise other areas, necessitating a cross-cutting reform approach. Concerns about platform cooperation, jurisdictional differences, and the inadequacy of existing solutions emerge, urging a re-evaluation of technological and in-service solutions, such as Facebook or Apple Legacy Contact. Education and media literacy are identified as pivotal components, addressing the broader landscape of digital legacy and privacy.

Our findings underscore the urgent need for legal and policy reform, conceptual clarity, and a review of technological solutions. The study's impact extends beyond empirical evidence, informing subsequent research on user perceptions and guiding the development of policy and law reform proposals in the underexplored realm of digital legacy and post-mortem privacy.

Keywords
Digital legacy; digital remains; postmortem privacy; empirical inquiry

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1 Introduction

This qualitative study seeks to understand better the commercial, technological and legal challenges that arise when considering post-mortem privacy rights in the digital era. This research is part of a wider project examining the personality and privacy of the dead in UK law from various perspectives, including qualitative and quantitative methods.[1] The law in this area is currently piecemeal, and this research will contribute to more coherent legislation and policy on post-mortem privacy and digital remains in the UK.

The qualitative study is necessary to gather in-depth insights into these challenges and provide perspectives from key stakeholders in this area. Emergent themes and findings from the qualitative study will also then be utilised to inform a quantitative baseline assessment. In this subsequent study, we will explore whether individuals in the UK understand what happens to their personal data after death if they are concerned with developments in this area, and whether current data management tools (such as Facebook's Legacy Contact, Apple Legacy Contact or Google's Inactive Account Manager) are helpful.

In our study, we use the definition of post-mortem privacy developed by Harbinja. Post-mortem privacy builds on the conception of privacy as an aspect of one's autonomy. The proposition is that autonomy should, in principle, transcend death and allow individuals to control their privacy/identity/personal data post-mortem akin to the extension of one's autonomy through the control of their property posthumously.[2] This is a theoretical proposition that does not

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[1] Leverhulme Trust-funded research project "Modern Technologies, Privacy Law and the Dead", grant number: RPG 2020-048.

[2] Edina Harbinja, *Digital death, digital assets and post-mortem privacy: theory, technology, and the law* (EUP 2022), Chapter 3.

yet find grounding in the doctrine and the positive law since postmortem privacy as such has not been recognised explicitly in most legal systems. Post-mortem privacy understood restrictively is not the only focus of our study, however. Acknowledging the general assumed lack of awareness amongst the stakeholders we interview, the inquiry goes beyond and considers phenomena closely linked with post-mortem privacy, i.e. digital footprint, digital remains and digital assets.

Based on our and other relevant research cited in the literature review, we did not expect that participants of our study would demonstrate a conceptual understanding that clearly differentiates post-mortem privacy from digital assets and digital remains. Therefore, our questions included aspects of digital remains as a whole. To this end, we used the classification of digital remains offered by Birnhack and Morse, i.e. the digital remains comprise four main categories based on the governing legal frameworks: (i) intangible property, (ii) intellectual property, (iii) data regarding property, and (iv) personal data.[3] Our questions and the data reveal our participants' considerations and understanding of all these categories. Most of the participants possessed prior knowledge of these categories, and we have indicated instances where there was a lack of clarity of confusion.

We hypothesise that there is a lack of awareness and appropriate practice around post-mortem privacy and digital remains amongst key stakeholders (legal professionals, policymakers and the tech industry).

2 Literature review

While much has been theorised about post-mortem privacy, the growing

[3] Michael Birnhack and Tal Morse, 'Digital remains: property or privacy?' (2022) 30(3) International Journal of Law and Information Technology 280.

empirical literature exploring the dead online has, to date, tended to focus on understanding contemporary bereavement and the memorialisation practices in the digital age rather than relating directly to privacy issues pertaining to the protection of digital remains. These inquiries ask how the Internet has impacted people's approach to death and grief, suggesting that such online memorials constitute:

> Therapeutic environments by providing space for action, interaction, narrative work, meaning making and expressions and negotiations of continuing bonds with the deceased.[4]

Several interventions focus on specific populations and their interactions with death and digital legacies. These range from adolescents navigating online grief after the sudden death of a peer,[5] bereaved individuals' experiences of online suicide memorials,[6] grief communication on Facebook by college students,[7] and older adults' perspectives on digital legacies in England.[8]

Research has tended to spotlight social media platforms (particularly Facebook) as the site of study, ostensibly because these platforms are the most public and most noticeable fora on which digital legacies remain.[9] Facebook has

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[4] Jo Bell et. al, '"We Do it to Keep Him Alive": Bereaved Individuals' Experiences of Online Suicide Memorials and Continuing Bonds' (2015) 20(4) Mortality 375, 376-377.

[5] Amanda Williams and Michael Merten, 'Adolescents' Online Social Networking Following the Death of a Peer' (2009) 24(1*)* Journal of Adolescent Research 67.

[6] Bell et. al (n 4).

[7] Natalie Pennington, 'You Don't De-Friend the Dead: An Analysis of Grief Communication by College Students Through Facebook Profiles' (2013) 37(7) Death Studies 617.

[8] Lisa Thomas and Pam Briggs, 'An Older Adult Perspective on Digital Legacy' (Proceedings of NordiCHI '14: Proceedings of the 8th Nordic Conference on Human-Computer Interaction: Fun, Fast, Foundational, October 2014) <https://dl.acm.org/doi/10.1145/2639189.2639485> accessed 12 December 2024.

[9] Elaine Kasket, 'Continuing Bonds in the Age of Social Networking: Facebook as a Modern-Day Medium' (2012) 31(2) Bereavement Care 62; Jed Brubaker and Gillian Hayes, 'We Will Never Forget You [Online]: An Empirical Investigation of Post-Mortem MySpace Comments' (Proceedings of the ACM Conference on Computer Supported Cooperative Work, Hangzhou,

remained an ongoing subject of interest due to its changing and unique policies on dead users via the Facebook Legacy Contact.[10] This position extends beyond the social network category of services and applies to most online services and platforms analysed in the literature.

Data collection methods for qualitative research in this area typically focus on mining data from the social media platform itself. Bereavement pages, memorial groups or individual posts and comments provide rich data sources and relative ease of collection for the researcher. Only a handful of published work concentrates on interview data, and these tend to have small sample sizes, and/or used in combination with the online material described above.[11] Grounded theory tends to be the analytical framework of choice, with scholars using inductive thematic coding to identify emergent themes from data. An exception to this is Church, who draws on Jamieson and Campbell's description of eulogies,[12] as a textual analytical frame to better understand the unique

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19-23 March 2011) <https://dl.acm.org/doi/10.1145/1958824.1958843> accessed 12 December 2024; Jocelyn DeGroot, 'Maintaining Relational Continuity with the Deceased on Facebook' (2012) 65(3) OMEGA 195; Jessa Lingel, 'The Digital Remains: Social Media and Practices of Online Grief' (2013) 29(3) Information Society 195; Jocelyn DeGroot, '"For Whom the Bell Tolls": Emotional Rubbernecking in Facebook Memorial Groups'(2014) 38(2) Death Studies 79; Bell et. al (n 4) 367-377; Damien McCallig, 'Facebook after death: an evolving policy in a social network' (2014) 22(2) International Journal of Law and Information Technology 107; Andrea Bovero et. al, 'Death and Dying on the Social Network: An Italian Survey' (2020) 16(3) Journal of Social Work in End-of-Life & Palliative Care 266, 277.

[10] Jed Brubaker et. al, 'Stewarding a Legacy: Responsibilities and Relationships in the Management of Post-mortem Data' (Proceedings of the SIGCHI Conference on Human Factors in Computing Systems, Toronto 26 April – 6 May 2014) <https://dl.acm.org/doi/10.1145/2556288.2557059> accessed 12 December 2024; Jed Brubaker and Vanessa Callison-Burch, 'Legacy Contact: Designing and Implementing Post-mortem Stewardship at Facebook' (Proceedings of the 2016 CHI Conference on Human Factors in Computing Systems, San Jose, CA, 7-12 May 2016) <https://dl.acm.org/doi/10.1145/2858036.2858254> accessed 12 December 2024;

[11] Jed Brubaker et. al, 'Beyond the Grave: Facebook as a Site for the Expansion of Death and Mourning' (2013) 29(3) Information Society 152; Jed Brubaker et. al (n 10); Brubaker and Callison-Burch (n 10); Bell et. al (n 4) 367-377; Pennington (n 7).

[12] Kathleen Hall Jamieson and Karlyn Kohrs Campbell, 'Rhetorical Hybrids: Fusions of Generic Elements' (1982) 68(2) Quarterly Journal of Speech 146.

memorialising discourse of Facebook.[13] Other scholars employ a combination of analysis modes depending on the types of qualitative data collected. For instance, Kasket utilises both the psychology-based methodology of interpretive phenomenological analysis for interview data, and qualitative document analysis to explore in-memory-of groups Facebook.[14]

Another significant qualitative study conducted by Morse and Birnhack, based on eight focus groups with 67 Israeli internet users, explores posthumous privacy and impression management of digital remains. It identifies a normative stance, termed the 'continuity principle', whereby users believe that privacy management norms during life should persist after death, ensuring that personal data shared during life remains accessible, while private information stays protected posthumously. Their methods included focus group discussions analysing participants' perceptions and behaviours around posthumous privacy and digital footprint management.[15]

Morse and Birnhack's study represents further exemplary quantitative insights, this time focusing on the approaches and behaviours concerned with managing digital remains by Israeli Internet users.[16] It is the only investigation to directly explore post-mortem privacy issues, focusing on the persistence of the privacy paradox after death, i.e., the gap between 'people's stated interest in their online privacy and their actual behaviour'.[17] The authors surveyed a

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[13] Scott H. Church, 'Digital Gravescapes: Digital Memorializing on Facebook' (2013) 29(3) Information Society 184.

[14] Kasket (n 9).

[15] Tal Morse and Michael Birnhack, 'The Continuity Principle of Digital Remains' (2022) 26(9) New Media and Society 5240.

[16] Tal Morse and Michael Birnhack, 'The Posthumous Privacy Paradox: Privacy Preferences and Behavior Regarding Digital Remains' 24(6) (2021) New Media and Society 1343.

[17] The term 'privacy paradox' was first defined in Patricia A. Norberg et. al, 'The Privacy Paradox: Personal Information Disclosure Intentions versus Behaviors' (2007) 41(1) Journal of Consumer Affairs 100. However, the gap between people's stated interest of their online privacy and their actual behaviour was first identified by Sarah Spiekermann et. al, 'E-Privacy

representative sample of the population to better understand perceptions, preferences and actions taken in considering the protection of user's digital remains. Findings suggest the existence of a posthumous privacy paradox, where users either wish to deny all access to their digital remains but, in practice, enable partial of full informal access, or they wish to allow only partial of this content but instead enable full access.

Morse and Birnhack's research further reveals that the posthumous privacy paradox is a complex and nuanced phenomenon. Significantly, findings demonstrated the prevalence of an inverted posthumous privacy paradox. Here, the mismatch between preferences and behaviour is characterised by users who might wish to share their personal data posthumously with loved ones, however, these wishes are likely to be frustrated as a result of 'current policies of major online platforms, the absence of legal framework and [the user's] own uninformed inaction'.[18] The authors point to several other interesting (though not unsurprising) interrelated features of managing digital remains, namely that informational deficiencies abound. Even for users who are aware of data processing systems, there may be a 'lack of technological know-how, as to how to manage one's personal data that would become digital remains.'[19] Where online tools do exist to manage digital remains, the authors suggest that user's reluctance to activate these may also be due to an unwillingness to contemplate their own death. Ultimately, users need to be empowered in order to make decisions about their digital remains, and as such

in 2nd Generation E-Commerce: Privacy Preferences versus Actual Behavior' (Proceedings of the 3rd ACM Conference on Electronic Commerce, Tampa Bay, Florida, October 2001) <https://dl.acm.org/doi/10.1145/501158.501163> accessed 12 December 2024.

[18] Morse and Birnback (n 16) 1359.

[19] Ibid 1357.

'a top-down, one-size-fits-all law will frustrate the wishes of large segments of the user population'.[20]

Not only are the empirical findings of this study of interest, but it could also provide a comprehensive methodological template for a baseline quantitative UK study on post-mortem privacy online (or other common law jurisdictions where privacy lapses upon death), and then a useful comparator when such a study takes place. It offers potential pathways for other future research, where the focus of study might include user's perceptions of the corporate collection and processing of personal data post-mortem rather than social interaction between people. Given the intricacies and subjective experiences at play with decision-making approaches on digital remains, it is clear that there is also an urgent need for complementary qualitative research to capture the deeper understanding of digital remains management preferences and the social, cultural, and legal norms which might influence approaches. For this, the authors suggest utilising Terror Management Theory (TMT) from social psychology to investigate decision-making in the face of death.[21]

3 Methodology

Since research into post-mortem privacy in the UK lacks empirical and qualitative intervention, the research approach to data collection was a decidedly exploratory and emergent one. A qualitative approach allowed for

[20] Ibid 1359.

[21] Terror Management Theory (TMT), introduced in 1986, explains how individuals cope with mortality by finding meaning through cultural worldviews and maintaining self-esteem. When reminded of their mortality, individuals tend to strengthen their adherence to personal beliefs and relationships, using these systems of meaning to try to reduce the psychological distress caused by the conflict between survival instincts and the inevitability of death. See, for example, the work of Jeff Greenberg and Jamie Arndt, 'Terror Management Theory' in Paul A. M. Van Lange et. al (eds), *Handbook of Theories of Social Psychology: Volume One* (Sage Publications 2011).

insight into people's understanding of the social phenomena of post-mortem privacy and provided a way to capture rich nuances in how it is interpreted and experienced.

Participants were drawn from a range of different key stakeholder groups (such as legal, NGO, and regulators) through a purposeful (information-rich) sampling strategy.[22] Since the study's objectives focus on the UK as the primary jurisdiction of interest, it follows that the majority of participants were based in the UK. However, given the transnational nature of the digital post-mortem space and expertise in this area, some participants were based in the US and Canada. We encountered some obstacles during recruitment, with some organisations or participants considering their expertise insufficient to participate in the study. A total of 19 participants took part in the research. The sample included the following main groups: 13 legal professionals (solicitors, barristers, consultants; 10 were UK based, 2 in Canada and 1 in the US), 3 working for a UK regulator (Ofcom), 3 professionals/entrepreneurs working in the digital death industry (funeral celebrations, digital death management). Our aim was to interview the tech industry representatives who have worked in developing their services/terms for the disposition of deceased users' accounts. However, none of the companies we contacted (Meta, Google, Twitter and Apple) was interested in participating in the study. The reasons range from staff absences to simple refusal. This is one of the limitations of our study. Nevertheless, our sample allowed us to understand perceptions and practices within the UK legal profession and the key regulator. In addition, we were able to gather data about the digital death management industry in the UK. Our foreign participants offered useful insight based on their long-term experience

[22] Michael Q. Patton, *Qualitative Research and Evaluation Methods: Integrating Theory and Practice* (Sage 2015).

in the area, and we could compare this with the UK experiences in the legal profession.

Data was collected primarily through semi-structured interviews in order to provide the necessary flexibility to both ask questions pertinent to the research design and pursue areas 'spontaneously initiated' by participants.[23] This type of interview also accommodated a wide range of actors and organisations across the key stakeholder groups. An interview guide was prepared to provide some opening questions, allowing participants to explore other areas of interest within the topic.

Data collection and (sometimes concurrent) analysis took place between April 2021 and April 2022. Given the ongoing Covid-19 pandemic during this timeframe, and the geographical spread of the potential participants, interviews took place virtually via Zoom. Interviews lasted between 30 minutes to 1.5 hours.

Ethical approval for the study was granted by Aston University, Birmingham. Designing ethical virtual data collections 'require thoughtful and deliberative approaches on the part of researchers in order to identify additional methodological and ethical risks and challenges.'[24] Throughout this study, care was taken to obtain and maintain voluntary and informed consent, and ensure confidentiality and data protection.[25] Concerning potential Zoom privacy concerns, each interview was password-protected, and a virtual waiting room was set up to prevent untoward entry before the interview

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[23] Bruce L. Berg, *Qualitative Research Methods for the Social Sciences* (Pearson 2002), 103.
[24] Peter A. Newman et. al, 'Ethical Considerations for Qualitative Research Methods During the COVID-19 Pandemic and Other Emergency Situations: Navigating the Virtual Field' (2021) 20 International Journal of Qualitative Methods <https://journals.sagepub.com/doi/full/10.1177/16094069211047823> accessed 12 December 2024.
[25] J. Kessa Roberts et. al, 'It's More Complicated Than It Seems: Virtual Qualitative Research in the COVID-19 Era' (2021) 20 International Journal of Qualitative Methods <https://journals.sagepub.com/doi/full/10.1177/16094069211002959> accessed 12 December 2024.

started. We used local (to computer) storage when recording interviews to avoid storing files on the Zoom cloud. Since hard-copy consent forms were unfeasible, a digital copy of the consent form and participant information sheet was sent to participants beforehand via email. Once participants had time to consider and decide whether to participate in the research, consent was recorded via an oral consent procedure at the start of each interview. Participants also had the option to view a copy of their transcript. To uphold participant agency in the research process, we also offered a flexible approach to participant anonymisation, where participants opt out of default anonymity, depending on preference.[26] Participants cited with their full names have given us consent to use their real namses, whereas other participants chose anonymity and are cited only by reference. Interviews were recorded and initially transcribed using NVivo software and then revisited by the authors to ensure quality and accuracy.

Our approach to data analysis was guided by Braun and Clarke's thematic analysis.[27] Analysis was inductive and data-driven to allow themes to flow directly from the data rather than using a specific theory or a priori coding template. Our analysis involved six stages: familiarisation with data, coding, generating themes, reviewing themes, defining and naming, and writing up.[28] We frequently revisited the literature to confirm categories and allow new categories to emerge. The data was co-analysed, with the two authors (Harbinja and McVey) undertaking each analysis stage separately and then coming together to review and clarify emerging themes. This ensured accuracy and

[26] Benjamin Saunders et. al, 'Anonymising interview data: challenges and compromise in practice' (2015) 15(5) Qualitative Methods 616.
[27] Virginia Braun and Victoria Clarke, 'Using thematic analysis in psychology' (2006) 3(2) Qualitative Research in Psychology 77.
[28] Ibid.

coherence of themes. Upon reflective review of the themes, the researchers agreed that the six themes explored in the results section best capture our data and codes.

4 Findings

The five themes emerged consistently across the data, and they largely match what our previous theoretical and doctrinal research in the area found.[29] The independent thematic analysis and reflection allowed us to consider the themes independently of this prior research and arrive at common elements in our analysis.

We group results into five themes: 1. Awareness, 2. Taxonomies 3. Platforms and technology, 4. Limitations of current practice, 5. Change.

4.1 Awareness

All respondents shared the perception of the lack of the general public's and the profession's awareness of the concept of post-mortem privacy and digital remains, their post-mortem transmission and the value of their digital wealth. Practitioners confirmed that their clients rarely bring up digital remains when discussing their estate planning. They must be prompted to start thinking and assessing their value. After they are prompted, they consider just a small fraction of digital remains, usually about social media accounts or cryptocurrencies. This has improved to an extent since the Covid-19 pandemic, but the awareness is still insufficient and should be developed significantly in

[29] Harbinja (n 2); Lilian Edwards and Edina Harbinja, 'Protecting Post-Mortem Privacy: Reconsidering the Privacy Interests of the Deceased in a Digital World' (2013) 32(1) Cardozo Arts & Entertainment 101; Lilian Edwards and Edina Harbinja, '"Be Right Back": What Rights Do We Have Over Post-Mortem Avatars of Ourselves?' in Lilian Edwards et. al (eds.), *Future Law: Emerging Technology, Regulation and Ethics* (Edinburgh University Press 2020).

all our participants' views. People still seem to care more about how they wish to be remembered and their social media accounts rather than about what to do with the entirety of their digital footprint.[30] This has resulted in increased digital entrepreneurship in the area of digital remembrance, in particular.

Some of the participants have had a first-hand experiences with loss and bereavement. Therefore, their awareness results from having to handle a digital footprint of a loved one.

Regarding digital management tools or in-service solutions such as Facebook Legacy Contact or Google Inactive Account Manager, legal professionals report that their clients are generally unaware of their existence and that the first time they hear about them is when their lawyers mention the tools. Legal professionals also note the difference between the older and younger generations and their awareness as clients and executors. The younger generations would normally engage with the digital estate planning process much better, whereas the older clients would need to be prompted more to think about the services they use mor often such as emails, for instance.

Legal professionals we have interviewed have been chosen due to their earlier/longer engagement with the area in some form. They were, therefore, able to comment on their client experience and the broader issues of awareness within the legal profession themselves.

Leigh Sagar, a pioneer in the area and a barrister at New Square Chambers/STEP (The Society of Trusts and Estate Practitioners) Digital Assets Special Interest Group member, emphasises this issue:

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[30] This has been confirmed in our 2023 quantitative study of user perceptions and attitudes, please see: Edina Harbinja et. al, 'Digital Remains and Post-mortem Privacy in the UK: What do users want?' (BILETA, 39th Annual Conference, 'Digital and Green: Twin Transitions?', Dublin City University, 17-19 April 2024)
<https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4813651> accessed 12 December 2024.

> Not much. There's not much. I give lots of lectures about it. But there's not much interest from solicitors who I lectured to, because most of the ones that come to my lectures are interested, they think, well, this this is the future. Some of them, now, these days lately, they've had clients come to them, mainly with the crypto assets and stuff like that. And so, I've had some work about that. But mostly solicitors don't even know that it's something they need to ask the clients about, which is a problem for me.

Policymakers acknowledge the lack of awareness within the regulatory realm but confirm that there has been some remote consideration, which was not in the focus of policy or regulatory work. Digital death is a side issue that may be more prominent in future regulatory work, but not at the moment.

Overall, our respondents consider awareness critical, and those based in the UK express pessimism regarding the pace at which this may change. Regular, less wealthy clients are usually not interested in digging into the area of digital remains deeper, as this would also mean that they would have to pay more for bespoke advice. Our respondents, therefore, note that in these cases, they do offer a piece of standard advice as something to consider, but then they do not follow up if a client is not ready to seek more specialist, bespoke advice about their particular digital remains.

Another significant issue within the profession related to awareness is the risk of handing digital assets in a jurisdiction where the law is unclear or where certain handing of digital remains may result in breaking the law.

Respondents across the board cite the following principal reasons for the lack of awareness: the death taboo (general reluctance of people to think about and discuss death, fear of mortality), generational divide (younger generations tend to think about death less, understandably due to its perceived remoteness), neglect/benign neglect (people generally do not make consistent

and long term plans, especially with regards to their estate/digital remains), media literacy, unclear/lacking laws in the area.

Regarding a possible impetus for change and awareness, our respondents mostly note a high-profile court case. As in many other areas, the law is slow to catch up with technological challenges, but in Leigh Sagar's words "when a problem comes up, the lawyers and the judges deal with that problem mostly adequately. But nobody is preparing for that."

Other important drivers for change are the rule of law and making sure the law reflects the changing society, the legal profession's commercial interest, and the business to provide legal services, including in this growing area.

4.2 Taxonomies

We find that respondents do not always understand the concept of post-mortem privacy. Practitioners note the privacy paradox and the discrepancy between their clients' behaviour and their expressed wishes, with the latter purporting to be more privacy-preserving and the former lacking any explicit controls of their digital footprint during life.

In terms of what the clients may wish to control and what they consider to be included in the notion of post-mortem privacy, lawyers cite habits that may not be approved by the family or the executor, lifestyle choices, online dating profiles, secrets of various sorts, as well as their authored work that they did not want to publish.

Most practitioners have considered the notion of digital assets and understand it as encompassing social media accounts, data in the cloud, copyright, crypto assets etc. Most respondents instinctively relate the concept of digital assets to property or contracts. Others distinguish digital assets from digital records and cloud accounts. One of the critical issues that practitioners note is the notion of property and to what extent information can be considered

property. They mainly express concern with how unclear the law in the area is and comment on the status of information and data as property. In addition, many mention a large number of abandoned digital assets in the context of digital remains.

In the context of privacy, some lawyers cite the letter analogy and argue that the same principle of inheritance should apply. Others note the distinction in that one cannot burn the online communication in the same way one can burn letters. One respondent has emphasised the complexity that comes with the volume of communication and the number of different recipients with their own expectations of privacy. Another analogy used by our respondents is the box of photographs vs photos stored in an online account. Here, they note the distinction between the ownership of physical copies, remedies such as conversion, and succession rights versus the intangible copyright in photos and the lack of a similar remedy.

One of the issues surrounding post-mortem privacy that a few of our participants note is the problem of enforcement/fulfilment of the deceased's wishes. Ian Bond, Partner at Thursfields notes this issue and emphasises the reliance on people's willingness to carry out the deceased's instructions related to their social media accounts, for instance. In his words, this ends up being a matter of "Please, please deal with these in the way that I want to be respected".

Another interesting limitation of post-mortem privacy was noted by Jack Haskew, Associate Solicitor at RHW. He spoke about the expiry date for post-mortem privacy and questions at what point the data should become public, if ever. In his words:

> You know, if somebody wants to save it long enough, do they get to own it because they maintain the service for long enough that it becomes public domain? Or do we make an exception for, you know individual personal

> privacy and say, no, that's never public domain. It was only ever private. And there's no- this is not a public figure. There's no public interest. This is an individual living a private life. And on that basis, it should never become public domain. That's the operating assumption. But the law doesn't back it.

What is evident across the dataset in this theme is that a more precise conceptual framework is lacking, and there is a lack of accepted definitions and understandings of the area. Jennifer Zegel, a partner at a US law firm, acknowledges the complexities quite succinctly:

> So I think post-mortem privacy is a newer class of privacy that's emerging that people haven't been giving due regard to, I think people personally haven't been thinking about it, historically, and certainly companies and regulators haven't been thinking about it as part of terms of service agreements or best practices for holding that data in the event a user passes. And it straddles a whole bunch of different areas like property, estates and trust law, contract law, intellectual property rights. And it's jurisdictionally either non-existent or inconsistent. And our data and digital assets are borderless. And so, it's becoming a real conundrum.

4.3 Platforms and technology

All the respondents note the importance of the role of platforms, their services, technology and terms of service in regulating the disposition of digital remains. They report issues with accessing accounts, transfer of content, approachability and response by the companies and their lack of guidance and goodwill. Practitioners note legal problems with terms of service that expire on death, fiduciary access to accounts, consumer protection, platform regulation and behaviour. The most significant issues are the problem with finding and

accessing accounts of the deceased and the way platforms respond to such requests. These huge barriers create many difficulties for lawyers' client work and advice.

An issue they note is that solutions seem to emerge ad hoc, and they aim to solve the disposition of one or a specified number of accounts and disregard the complexities behind various accounts and digital assets. They also believe that the companies approach digital remain in a techno-solutionist manner and consider the societal implications as an afterthought. Others question the platforms' goodwill from the perspective of wanting to use and harvest the data and note the commercial value of legacies for the companies. One respondent questioned this and noted that companies cannot sell adverts to the dead, it s a cost to keep the profiles going, and the only potential benefit is having engagement from the living visiting memorialised accounts. Evan Carroll, Author and Technology Specialist, disputes this and considers in-service solutions such as Google IAM or Facebook memorialisation 'elegant solutions'. He likes the automation side of these services but dislikes how they are being promoted by the companies and doubts that many users use them. In his words:

> But I do think they could do a better job of making sure those tools are, like, people know about them and they're available to them because the tools only as good as those users who choose to activate it. And I haven't seen data on adoption, and I'm sure they want to keep that data pretty well secured.

A legal and practical problem noted by our respondents is that each service/provider has different terms of service, and lawyers struggle to navigate through all of them. In their words, it is impossible to go through '101 accounts' terms or service' and know exactly what happens with each account. Some of

these will not include anything about the deceased accounts, which is an additional difficulty.

In terms of access difficulties, the main problem is that service providers will not release information about an account absent a court order. And even with a court order, they are unlikely to release anything, but a catalogue of communications connected to an account and not the content. This is primarily the result of the US law, i.e. the Stored Communications Act (SCA)[31], a part of the Electronic Communications Privacy Act (ECPA) of 1986.[32] Further, the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA)[33], enacted in most US states, permits companies to release content if a user has designated a fiduciary or specified in a will or legal document how they want their digital assets managed after death. Without the express consent under the law, service providers often adhere to the SCA's constraints and only release non-content information, i.e. the catalogue.

This process is costly and time-consuming. Therefore, some respondents consider the in-service solution a better option but also note issues with designating someone as a beneficiary within a service which is not a legal representative. This could create conflicts between those parties.

Respondent P 12, Wealth Management Advisor from Canada, comments on the digital estate planning tools and considers them useful for two main reasons. First, 'they are putting the technology, the planning experience into tech', which constantly develops. and at the same time, they educate the user step-by-step about how the process works. The second advantage is having the

[31] 18 U.S.C. §§ 2701–2712.
[32] 18 U.S.C.
[33] Revised Uniform Fiduciary Access to Digital Assets Act (2015), available at Uniform Law Commission, <https://www.uniformlaws.org/committees/community-home?CommunityKey=f7237fc4-74c2-4728-81c6-b39a91ecdf22> accessed 12 December 2024.

outcome be in a digital format, and thus producing a digital asset. They conclude by saying:

> And the law societies or in the States, the bar association, will accept more and more of those digital. You know, the "iPhone Will" and all the other stuff because it's better than nothing. It's better than having to go through intestacy and all this other stuff.

4.4 Limitations of current practice

This theme focuses on the limitations that mostly legal professionals face when dealing with their clients' requests and digital estate. Practitioners have given us some valuable examples of their work with clients regarding digital remains. Most of these include various legal and practical limitations. The most notable examples include checklists/guides that they have created to go through an inventory of digital assets, guidance produced by STEP association, their experience and attempts to develop best practices within their law firms.

Participants do, however, note the lack of clarity in the law that prevents them from engaging with the issues more specifically or more helpfully for their clients. Key issues include the lack of lawful access to accounts and data, the unclear legal status of digital assets (property, copyright, contracts), the problems of privacy terminating on one's death, and copyright stored on inaccessible accounts. All this results in a high level of tangible risk for practitioners, which all our respondents note as a concern. Some also mention the issues with access to justice in the UK and associated costs, explaining that solicitors' fees and the costs of obtaining a court order deter many clients from pursuing the matter further in this area. Therefore, one of our respondents suggests that minimum standard advice is given to all the clients, and bespoke advice is left for those who wish to pay for that approach. Another respondent

maintains that the minimum advice in these circumstances is asking their clients to keep track of their digital accounts and make their executors aware of those.

A significant limitation is also an obscure status of some of the assets, the fact that there is no organisation to contact and that results in a lot of unclaimed balances and dormant assets. The examples that respondents often give here are crypto assets and cryptocurrencies. However, this is not just an issue with more novel assets. Even access to online bank accounts can be difficult, as our respondent Gill Steel notes. She cited a survey with a very high percentage of probate solicitors who were struggling to get information about the basic data of people online and that 'they reckon there was something like 60% of bank accounts now that were online or had cards which you couldn't use'. These obscure and dormant assets also create issues with asset valuation and inheritance tax.

A limitation often cited by our respondents is the problem with accessing accounts as assets, discussed under the previous theme. In the context of this theme, they note 'emotional toll' and distress that client experience when they encounter barriers to accessing personally valuable content such as photos. The limitation in these cases can be lawful, but it still creates distress for the surviving family members.

A limitation noted by Barbara Chalmers, Director of Final Fling, Only Human, relates to the longevity of digital estate planning services and the ethics behind owning and operating such an online service. She questions her responsibility regarding what happens after she decides to switch the platform off or if the platform does not work properly and the users cannot extract valuable documents and information from the platform.

A limitation pointed out by our P 1 respondent includes the legal system differences and the fact that tech companies usually cite the US law, which in

the area of privacy differs significantly from the EU and other privacy regimes. Therefore, it is hard for them to create a solution that would cater adequately for their worldwide users in this area, like in many other areas of technology law and regulation. The respondent also talks about the requirement to produce a court order to access the deceased's accounts. In her view, a grant of probate should be sufficient, but this is not what US companies such as Apple would accept. They would require a court order. Regarding different causes of action available to compel the companies to provide the data, the respondent noted issues with all of them, citing property, copyright, defamation, Article 8 ECHR claim, the misuse of private information, and data protection. Neither of these provides for an adequate remedy, i.e. providing the data to the claimant (the deceased's family member), so the companies can still refuse to give the deceased's data. Finally, P 1, concludes with: 'And the danger all the way along the line is that they'll just delete everything. Because from their perspective, in a way, that solves all the problems.'

There have been more informal ways used by people to access the accounts of their loved ones. They would usually know or be able to guess the passwords of their partners/family members and could access their accounts that way. In our respondent's view, this unlawful way of accessing accounts had never been prosecuted as a criminal offence, but it may become technically increasingly difficult with the use of two-factor authentication and similar technologies.

A limitation that stems from the lack of awareness, our first theme, is the death taboo and the fact that most people do not normally leave wills,[34] they are

[34] A recent study by the National Will Register found that 44% of UK adults have made a will. See The National Will Register, 'Two-fifths of UK adults not discussed instructions after death, new wills report finds' (19 April 2023) <https://www.nationalwillregister.co.uk/news/two-fifths-

reluctant to talk about death and mortality, and this makes the practice of estate planning even more difficult.

Finally, an important consideration noted by a few of our respondents is identity theft and the use of a deceased's persons identity obtained through hacking or similar criminal activity. For this reason, respondent Gill Steel recommends closing down the accounts, but she acknowledges that this may be difficult for grieving families who wish to see and hear things about their loved ones and are reluctant to close it down for emotional reasons. This, in turn, leaves the account vulnerable to misuse and criminal activities.

4.5 Change

This theme considers the change in the area very broadly. The change includes law and policy reform, platform practices and terms of service, user perceptions and behaviours, solicitor–client relationships, and general societal awareness. In this theme, we found two interrelated subthemes. The first one is drivers to change, and the second is the change as a reform, policy, law or practice.

The first subtheme strongly features drivers to understand and recognise issues surrounding post-mortem privacy and digital remains more prominently than before. This notably includes the Covid-19 pandemic as a key driver for change. During the pandemic, mortality featured mainstream discussions more than prior and proposals such as emergency mobile text or digital wills emerged in many countries. Lives of many were shifted online due to lockdowns and the lack of social contact, so digital remains have increased more rapidly as a result. This has opened slightly the previously taboo topics around mortality, funerals, wills etc. Grief and mourning were covered more in

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of-uk-adults-not-discussed-instructions-after-death-new-wills-report-finds/> accessed 12 December 2024.

the traditional and online media, so death was discussed and contemplated more than earlier, perhaps, at least in some parts of the world.

According to the participants, all this has opened questions of what needs to change to improve current practices, policies and laws around digital death, grief, mourning, and digital remains. In 2024, this is still not a priority topic for policymakers, but it is more in the open than before.

Respondents shared ideas about what needs to change in the law and practice. Examples include changes in the platforms' policies and services, succession and wills law, privacy law, probate and estate planning practice and guidance for the legal profession. Most respondents argued that the change needs to encompass various elements and, ideally, be comprehensive. At the time of writing, in 2024, these changes have not happened in the UK yet.

Some respondents commented on the role of academics and their work in the area, which is important to shed some more light and help practitioners navigate the area better.

In terms of raising awareness and the role of education in the legal profession, our respondents have noted the role of STEP and their special interest group that aims to provide guidance for practitioners around the world. However, some of our respondents note that their work has not developed to a sufficient level to be more helpful.

Solicitors believe platforms should have a better way to help them navigate the deceased accounts. Catherine Guthrie offers a valuable example:

> And me, as the solicitor, can just say, right, OK, as well as logging into the bank portal for this, I just log in to Amazon, here's the death certificate. As a technical solution to both the planning and the wind-up stage, something along those lines. And when you consider the technology involved in some of these companies, it doesn't seem like it would be a difficult thing to do.

A suggestion by our Respondent 1 offers a similar practical solution for the platforms, which would include an initial set-up of a legacy contact or another similar tool at the time of registering an account followed by reminders akin to those about changes to the terms and conditions.

The issue that Respondent 1 notes here, however, is decision fatigue and whether this type of reminder would make it more difficult for people to make decisions about their digital legacy. Other respondents argue that the law should direct platforms to have some sort of technological in-service solution for deceased accounts.

Further, there is a sentiment that platforms should consider a harmonised approach, a standard set of terms, and this could be achieved with support from STEP, academics and other stakeholders.

Others suggest that there should be some form of recognition of post-mortem privacy, even if it is just through ethics or enforced in technology. An interesting observation came from Kelsey Farish, Solicitor at DACBeachcroft:

> And it's just I wonder if we don't need just a brand new right that isn't publicity, but isn't privacy, but is something that speaks to dignity, legacy, the digital self, the behaviours that the tech giants can capture and track online.

However, most respondents emphasise the need for a legislative change and reform, which would clarify the concepts of property, possession, succession and privacy in the context of the intangibles, digital assets and digital remains. Leigh Sagar, for example, notes that these issues have been addressed in the US,

Canada and Australia within their law reforms and that the UK should follow.[35] Ian Bond mentions the work of the Law Commission in the area of wills and expresses hopes that the law reform of the law of will may offer some assistance for this area, but also notes how 'every single government has failed to think about and deal with it'. He also questions the effect this law can have on US companies, given their behaviour in this and other areas so far. There seems to be quite a consensus that a high-profile case may help clarify some of the matters. Respondent 1 puts it succinctly:

> You need your Max Moseley and not necessarily because of the money. you need. You need the case that's the right case. It can't just be, you know, it's a bit embarrassing that my dad had an affair in 1920s or something. You need something more. It needs to be more. Intrusive. Yeah, yeah.

Our respondents' views differ regarding the approach the law reform should take. Respondent P 1, for instance, favours propertisation and access, whereas Jack Burroughs believes that the law should favour the deceased's decision expressed during life. Respondent 1 suggests that an easy and straightforward solution could be 'a Norwich Pharmacal-type process for the court', which would simplify the process of issuing an acceptable court order to compel the platforms to provide the relevant data.[36] The Norwich Pharmacal order has not been used in similar contexts so far, but a mechanism akin to it could prove

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[35] Examples of these reforms include the US Revised Uniform Fiduciary Access to Digital Assets Act (2015), the Canadian Uniform Access to Digital Assets by Fiduciaries Act (2016). For more detail, please see Harbinja (n 2).

[36] The Norwich Pharmacal order originates from the 1974 case *Norwich Pharmacal Co. v. Customs and Excise Commissioners* [1974] AC 133, where House of Lords allowed the claimant to compel a third party (Customs and Excise) to provide information about those who had imported a patent-infringing product. The order has since become a tool for claimants needing disclosure of relevant information to pursue wrongdoers in various areas of law, including intellectual property and defamation.

useful. In their view, this could be a less costly option, and the Parliament could change the law fairly quickly to enable this.

In terms of changing human behaviour, the death taboo and the reluctance to contemplate mortality, our respondent Evan Carroll, as a person with vast experience in the area, expresses pessimism by saying: 'And I know that's kind of a pessimistic view on the world, but I think if there's something that I can say differently today that I probably wouldn't have said 10 years ago, and that is that human behaviour is a really hard thing to change.' Other respondents suggested that media literacy taught in schools could help, as well as general education about IT hygiene, regular 'digital clean up', cybersecurity etc.

Jennifer Zegel argues: 'Yes, I think we need a global approach and a meeting of the minds with governments, regulatory bodies, the tech industry, and estate professionals.'

The regulators do not seem to consider this a priority at the moment. Fred Langford from Ofcom notes: '…at the moment, I would say that we're not at the stage of making a decision on this. We'd be looking at conducting some sort of research into just how prevalent is and what all the issues are.' The respondent P 20 from Ofcom suggests that some aspect of digital remains could be considered within the Online Safety Bill as a harm due to distress it causes, but 'that would need to be worked through.' Fred Langford responds to this suggestion by saying that it may not be a priority issue in this regime currently, but that 'this will be something that in the future, as we start talking about enhancing that regime, that will come up. And I suppose it will depend on what - being quite brutal - on what the interest is for ministers. And raising it from that side and officials.' P 20 also suggested considering this from a media literacy research perspective, noting that a few questions about digital remains

could be asked within Ofcom's qualitative and quantitative surveys, but this cannot be guaranteed due to the current demands of this research.

Many of our respondents emphasise the role of the media and public pressure. They suggest that a high-profile media story involving a public figure would help speed up the public recognition of the issues surrounding digital remains and post-mortem privacy. In 2024, we are yet to witness any of these changes.

5 Discussion

The data and findings from our study confirm key anecdotes, assumptions and ideas from our and other relevant theoretical and doctrinal work in the area we cite in the literature review section. The findings have clearly confirmed our hypothesis.

The key issues surrounding experiences around the planning and management of digital legacy and digital remains are found in our themes of awareness, platforms and the limitations of current practice. Notably, they include the overwhelming lack of awareness amongst users, practitioners, and platforms, as well as regulators and their inactivity in the area of digital remains, digital legacy and postmortem privacy. Respondents maintain that the media, academics and professional associations play a significant role in raising awareness of digital legacy and post-mortem privacy and suggest that this engagement should be more prominent and proactive.

The effects of the Covid-19 pandemic are evident, especially in the digital memorisation and estate planning industry, which has remerged after a period

of relative inactivity.[37] This has prompted our respondents and their clients to reconsider their approaches and practices around digital legacy and digital remains.

We have identified key drivers for change in the area, including: individual grief and bereavement examples mirrored in company policies and practitioners' work, possible high-profile cases and new technological solutions. Our participants predominantly confirm the need for a high-profile court case or a concerned individual within a tech company to drive law reform and change. This has not happened in the UK yet, although courts have considered some of these issues, such as access to accounts and photos.[38]

Further, practitioners in law firms face various obstacles, notably those related to the platform behaviours, policies and technologies; unclear and absent laws and regulation; client awareness and demands, and fees. In the absence of clarity, they develop creative practices and tools to respond to their client needs, showing leadership in the area. Examples include inventories of digital assets, bespoke advice pertaining to digital legacy, online and paper guides, interview techniques that lead to the consideration of digital legacy. This is reinforced through the long-standing work and through leadership of

[37] See, for example, Gerry W Beyer, 'COVID-19, e-Wills, and the Estate Planner' (*Estate Planning Studies*, First Quarter 2021) <https://static.montecito.bank/pdfs/wealth/MBT_Estate_Planning_Studies_Jan_2021.pdf> or <https://www.ti-trust.com/wp-content/uploads/2021/04/PT-Newsletter-First-Quarter-2021.pdf> accessed 12 December 2024; Naman Anand and Arora, Dikshi, 'Where There Is A Will, There Is No Way: COVID-19 and a Case for the Legalisation of E-Wills in India and Other Common Law Jurisdictions' (2020) 27(1) ILSA Journal of International and Comparative Law 77; Kimberley Martin, 'Technology and wills – the dawn of a new era (COVID-19 special edition)' (*STEP*, August 2020) <www.step.org/system/files/media/files/2020-08/Technology-and-Wills_The-Dawn-of-a-New-Era.pdf> accessed 12 December 2024.

[38] *Rachel Thompson v Apple* (2019) Central London County Court (unreported); 5RB, "Apple ordered to provide access to family photos" (14 May 2019) <https://www.5rb.com/news/apple-ordered-to-provide-access-to-family-photos/> accessed 12 December 2024.

professional associations, such as STEP (Succession, Trust and Estate Practitioners).[39]

These professional practices thus demonstrate how, in the absence of regulation and clear rules, professionals are claiming a new area of expertise, a field that requires specialised knowledge. Although some of the respondents are estate planning lawyers, they point to problems that are not part of traditional estate planning, such as privacy and data protection and their relationship with property.[40] They raise issues of awareness as part of claiming and more importantly, defining the field. This also points at how professionals conceptualise and understand their role in helping clients more broadly. Again, in the absence of clear rules, they alert clients to the problem of postmortem access, they help navigate procedures for claiming this access and suggest creative solutions and tools. However, they can offer little knowledge of substantive law which is unclear or, often, non-existent. This important finding is consistent with sociological studies of the actual, practical role of lawyers or legal professionals in the society. This role often transcends the formal requirements of the profession, allowing legal professionals to demonstrate leadership, creativity and problem-solving where legal provisions have little to offer in terms of clarity and consistency.[41]

Regarding conceptualisations, respondents are largely unclear as to what post-mortem privacy means. Some of them, however, do offer important insights related to the time limits of protection postmortem privacy, enforcement issues, and the increasing importance of the notion. Conversely,

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[39] STEP, 'Home Page' <www.step.org> accessed 12 December 2024.

[40] For academic discussions of these, see Birnhack and Morse (n 3) or Harbinja (n 2).

[41] See Richard L Abel and Philip S. C. Lewis (eds), *Lawyers in Society: An Overview* (University of California Press 1995); Stan Ross, 'The Role of Lawyers in Society' (1976) 48(1) The Australian Quarterly 61.

respondents demonstrate a greater understanding of the concepts of digital legacy, digital assets, digital catalogue, cloud accounts and data.

Contrary to the clearly articulated call for law and policy reform amongst practitioners, we find that regulators do not consider the area a priority but acknowledge its growing importance and possible regulation within another area of their priority (such as online harms and online safety).

Respondents agree that there is a need for law reform in the UK, Europe and elsewhere. In their view, the reform could take different approaches (e.g. the propertisation of intangibles or the recognition of post-mortem privacy), but a common thread is that it needs to cut across various different areas of law (property, contracts, succession, privacy, data protection, defamation, jurisdiction etc.).

In terms of technology and platforms, all respondents agree that platforms need to be more cooperative, approachable and aware of jurisdictional differences. Some respondents support the in-service solutions (e.g. Facebook or Apple Legacy Contact), while others consider them inadequate, piecemeal, divergent, unpromoted, and conflicting. A few of our respondents believe that the law should mandate technological and in-service solutions for all platforms and services.

Finally, our respondents note the importance of education and media literacy generally but also related to this specific area.

6 Limitations of the study

A limitation of our study is the lack of participation from the large tech companies that we tried to include and interview. Notably, we invited representatives of Meta, Google, Apple and Twitter. We have received various responses, including the unavailability of the team member in charge of their

deceased use policies, the shift of the team's focus, the lack of interest in the area etc. Further, the data would have been even more complete if a government department (e.g. DCMS), the ICO, or the Law Commission had taken part. Again, we did try to secure participants from these institutions, but they mostly did not think they had anything worthwhile to contribute at the moment as the area wasn't their priority. Generally, our sample size could have been larger.

Nevertheless, despite the limitations, our findings related to the legal profession and their experiences and practices are particularly valuable. As such, our study is a first example of in in-depth inquiry into those practices and offers useful data for future empirical and doctrinal research in the UK and other countries.

7 Conclusion

In this first qualitative empirical inquiry of digital legacy and post-mortem privacy in the UK, we offer insight about experiences, practices, perceptions, understanding, and limitations related to digital remains and post-mortem privacy. The findings related to the legal professionals and their work with clients are particularly significant.

We emphasise the lack of conceptual and legal clarity in the area and the need to doctrinally define and delineate the concepts of post-mortem privacy and digital remains, as well as their relationship with property, intellectual property and data protection. Our findings reveal that there is a lot of conceptual confusion amongst the practitioners, professionals and regulators in the area.

The research evidences wildly divergent practices around digital remains and their disposition in the legal profession in the UK. We note some excellent examples of good practice and creativity in the legal profession.

However, as in our theoretical and doctrinal research, empirical findings emphasise a clear need for urgent law and policy reform, as well as the review of technological solutions, terms of services and platform practices.

Findings from our study have been used to inform our quantitative study of user perceptions of post-mortem privacy and digital remains.[42] In tandem, two sets of data and findings will help us further develop policy and law reform proposals underpinned by empirical evidence that was missing in this area.

[42] Harbinja et. al (n 30).

Appendix 1 – Participants list

Name/identifier	Sector	Role[43]
P1	Legal	UK Barrister specialising in media law
Jack Burroughs	Legal	Solicitor at Ashtons Legal CHECK
Jack Haskew	Legal	Associate Solicitor at RHW
Leigh Sagar	Legal	Barrister at New Square Chambers/STEP-SIG
Gary Rycroft	Legal	Solicitor at Joseph A. Jones, Solicitor at Dying Matters
Kelsey Farish	Legal	Solicitor at DAC Beachcroft
Ian Bond	Legal	Partner at Thursfields/Law Society
Evan Carroll	Industry	
Sandy Weatherburn	NGO	Director, Social Embers
Gill Steel	Legal	Solicitor and Consultant to Legal Profession
Catherine Guthrie	Legal	Associate at Turcan Connell

[43] Data correct at the time of the interviews.

P12	Legal/Banking	Wealth Management Advisor - Canada
P14	Legal/Banking	Estate Planning Solicitor - Canadian Bank
Jennifer Zegel	Legal	Partner at US Law Firm
P 20	Regulatory	Ofcom
Fred Langford	Regulatory	Principal Online Tech Ofcom
Simon Parnall	Regulatory	Principal Advisor for Broadcast Tech Ofcom
P21	NGO	Director, Digital Death Company and Funeral Celebrant
Barbara Chalmers	NGO	Director, Final Fling, Only Human