

# Access to Decedents' Electronic Mail Accounts

This Act requires email service providers to give estate executors and administrators access to, or copies of, a decedent's email account. The decedent must have been domiciled in the state when they died, and estate executors and administrators must present proof of their status. Email service providers need not disclose information if doing so would violate federal law. Under the Act, an email service provider is an intermediary that gives end-users the ability to send or receive email. An electronic mail account contains all email the end-user sent or received that the provider has stored or recorded in its regular course of business. It also contains other stored or recorded electronic information directly related to the email services it provided, such as billing and payment information.

Submitted as:  
Connecticut  
PA 05-136  
Status: Enacted into law in 2005.

## Suggested State Legislation

(Title, enacting clause, etc.)

1           Section 1. [*Short Title.*] This Act may be cited as “An Act Concerning Access to  
2 Decedents' Electronic Mail Accounts.”  
3

4           Section 2. [*Definitions.*] As used in this Act:

5           (1) “Electronic mail service provider” means any person who:

6                   (A) is an intermediary in sending or receiving electronic mail, and

7                   (B) provides to end-users of electronic mail services the ability to send or receive  
8 electronic mail; and

9           (2) “Electronic mail account” means:

10                   (A) all electronic mail sent or received by an end-user of electronic mail services  
11 provided by an electronic mail service provider that is stored or recorded by such electronic mail  
12 service provider in the regular course of providing such services; and

13                   (B) any other electronic information stored or recorded by such electronic mail  
14 service provider that is directly related to the electronic mail services provided to such end-user  
15 by such electronic mail service provider, including, but not limited to, billing and payment  
16 information.  
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18           Section 3. [*Access to Decedents' Electronic Mail.*] An electronic mail service provider  
19 shall provide, to the executor or administrator of the estate of a deceased person who was  
20 domiciled in this state at the time of his or her death, access to or copies of the contents of the  
21 electronic mail account of such deceased person upon receipt by the electronic mail service  
22 provider of:

23                   (A) a written request for such access or copies made by such executor or  
24 administrator, accompanied by a copy of the death certificate and a certified copy of the  
25 certificate of appointment as executor or administrator; or

26                   (B) an order of the court of probate that by law has jurisdiction of the estate of  
27 such deceased person.  
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29           Section 4. [*Violating Federal Law.*] Nothing in this section shall be construed to require  
30 an electronic mail service provider to disclose any information in violation of any applicable  
31 federal law.

32  
33           Section 5. [*Severability.*] [Insert severability clause.]

34  
35           Section 6. [*Repealer.*] [Insert repealer clause.]

36  
37           Section 7. [*Effective Date.*] [Insert effective date.]