

FIDUCIARY ACCESS TO DIGITAL ASSETS ACT (EXCERPT)
Act 59 of 2016

***** 700.1006.new THIS NEW SECTION IS EFFECTIVE JUNE 27, 2016 *****

700.1006.new Disclosure of digital assets by digital custodian; requirements.

Sec. 6. (1) When disclosing the digital assets of a user under this act, the digital custodian may at its sole discretion do any of the following:

- (a) Grant a fiduciary or designated recipient full access to the user's account.
- (b) Grant a fiduciary or designated recipient partial access to the user's account sufficient to perform the tasks with which the fiduciary or designated recipient is charged.
- (c) Provide a fiduciary or designated recipient a copy in a record of any digital asset that, on the date the digital custodian received the request for disclosure, the user could have accessed if the user were alive and had full capacity and access to the account.

(2) A digital custodian may assess a reasonable administrative charge for the cost of disclosing digital assets under this act.

(3) A digital custodian is not required to disclose under this act a digital asset deleted by a user.

(4) If a user directs or a fiduciary requests a digital custodian to disclose under this act some, but not all, of the user's digital assets, the digital custodian is not required to disclose the requested digital assets if segregation of the requested digital assets would impose an undue burden on the digital custodian. If the digital custodian believes the direction or request imposes an undue burden, the digital custodian or fiduciary may seek an order from the court to disclose any of the following:

- (a) A subset limited by date of the user's digital assets.
- (b) All of the user's digital assets to the fiduciary or designated recipient.
- (c) None of the user's digital assets.
- (d) All of the user's digital assets to the court for review in camera.

History: 2016, Act 59, Eff. June 27, 2016.