Article - Estates and Trusts

[Previous][Next]

§15–605.

(a) When disclosing the digital assets of a user under this subtitle, a custodian may in its sole discretion:

(1) Grant a fiduciary or designated recipient full access to the user's account;

(2) 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; or

(3) Provide a fiduciary or designated recipient a copy in a record of a digital asset that, on the date that the custodian received the request for disclosure, the user could have accessed if the user were alive or had full capacity and had access to the account.

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

(c) A custodian need not disclose under this subtitle a digital asset deleted by a user.

(d) (1) If a user directs or a fiduciary requests a custodian to disclose only a portion of the user's digital assets under this subtitle, the custodian need not disclose the assets if segregation of the digital assets would impose an undue burden on the custodian.

(2) If the custodian believes under paragraph (1) of this subsection that the direction or request imposes an undue burden, the custodian or fiduciary may seek an order from a court to disclose:

(i) A subset, limited by date, of the user's digital assets;

(ii) All of the user's digital assets to the fiduciary or designated recipient;

(iii) None of the user's digital assets; or

(iv) All of the user's digital assets to the court for review in camera.

[Previous][Next]