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FOR IMMEDIATE RELEASE
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Representative Rob Brooks Introduces Bill Protecting Digital Assets

Madison, WI—This week, Representatives Robert Brooks (R-Saukville) and Melissa Sargent (D-Madison) introduced LRB 4044 relating to: creating the Uniform Fiduciary Access to Digital Assets Act. Similar legislation, based on the Uniform Law Commission’s recommendations for the protection of digital assets, was recently passed by several Midwestern states, Indiana, Minnesota and Illinois, to name a few.

“The Uniform Fiduciary Access to Digital Assets Act, if passed, would give Internet users the power to plan for the management and disposition of their digital assets in a similar way as they can make plans for their tangible property,” said Representative Brooks. In a time of ever-changing technology, I felt it was necessary to bring Wisconsin law into the twenty-first century by protecting the digital rights of citizens,” opined Brooks.

Currently, the Stored Communications Act and the Computer Fraud Abuse Act at the federal level, dictate access to digital assets. Due to rapidly changing technology and the fact that the aforementioned bills were passed nearly thirty years ago, in 1986, states have begun to pass legislation designed to fill in the gaps where these laws are deficient.

LRB 40444 is based on the revised Uniform Fiduciary Access to Digital Assets Act which takes into account the interests of fiduciaries and service providers. The bill provides default provisions related to a fiduciary’s right to access digital assets. Under this bill, a digital asset is an electronic record in which an individual has a right or interest. Examples of the digital assets include: information stored on a computer or other digital device, content uploaded onto a website, text messages, and rights in domain names or rights associated with online games. A fiduciary is a personal representative, guardian, conservator, agent under power of attorney, or trustee.

“This much-needed bill not only brings Wisconsin law into the twenty-first century, it affords individuals with the ability to manage their digital assets,” said Representative Rob Brooks.

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