

Master Thesis

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Who controls our digital legacy?



Questions regarding power relations around digital inheritance



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Abstract

This master thesis investigates how digital intermediaries Facebook, Google and Apple deal with the digital legacy of their users. In this thesis is via a mixed method approach analyzed how the digital intermediaries deal with the death of a user and which party the agency had to control the digital legacy: the user, the relatives of the user or the platform. By looking into how thanatosensitive the policies are I noticed that there is a difference in degree of thanatosensitivity between the different platforms. Facebook for example gives users the opportunity to appoint someone to manage their account when they pass away. Google also provides this option to let someone handle their data when they die. Whereas Apple does not give an option like this, and is very strict in protecting the data of the deceased. In this thesis is also analyzed how the intermediaries regard ownership, agency and post-mortum privacy around a digital legacy. It turns out that all the parties are quite strict with post-mortum privacy, trying to protect the privacy of a deceased user firmly. These kind of policies come to action when relatives of a deceased user want to obtain the digital legacy of their loved ones. The thesis showed that most of the time they are not aware of the strict policies the intermediaries have, and are surprised that they do not have any agency over the legacy of their loved ones. Furthermore, this thesis showed that most intermediaries outsource the handling of questions around this subject to other users. Which leaves it sometimes a fairly time consuming matter to deal with someone's digital legacy. The ownership we as users have seems to be small, as our digital legacy proves to be in control of large tech corporations who are not easy to deal with and have strict policies to control our assets.

Keywords: Digital legacy, digital inheritance, agency, platform politics, ownership, post-mortum privacy, thanatosensitivity

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1. Introduction

When my father dies, I will inherit his assets like his car, his CD's his television and his table. This is my right according to the succession law we have here in The Netherlands, I will automatically step into the shoes of my father, or he must decide otherwise in his will. But is this also the case for his Facebook account or his tablet? Do I heir these just as easily? A question I deem relevant in our contemporary digital age, and I am not the only one; "What happens to your online data if you are not around anymore?", was one of the headlines of the Dutch Public New broadcaster, NOS in a recent article about digital inheritance (NOS, 2018). The article explains the troubles people have in accessing online accounts of their loved ones who have passed away suddenly. According to the article survivors meet difficulties in retrieving online data of the deceased, because they cannot access the account without a password. Online platforms such as Facebook often refuse access to the accounts of the deceased because they want to protect the privacy of their former customer. These kind of policies can be attributed to what Paul-Choudhury, former editor of *The New Scientist*, calls the *deletionists* movement, these are parties who advocate that the internet should learn to forget. In turn, so called *preservationists* argue that legacy should be passed on to descendants (2011).

So for our digital assets it seems different rules apply than for our non-digital assets. According to law scholars Edwards & Harbinja our digital assets are being controlled by *digital intermediaries* such as Google, Facebook and Apple (2013). The policies these companies develop are often not in line with local laws: "Indeed, not one system could match the law in every jurisdiction where Facebook has subscribers, yet Facebook purports to apply one set of rules to every jurisdiction where it operates." (Edwards & Harbinja, 2013, p.111). So there can be a tension discerned about who controls our digital legacy. Internet Studies scholar Tama Leaver, argues that the current options social media platforms as Facebook provide in controlling a digital legacy are rather short-sighted and fairly blunt, because executors are not given a chance to clean up or edit the profile of a deceased Facebook user (2013). Thus, the tension between the digital intermediaries and the relatives manifests itself in the amount of control relatives have in shaping or curating a digital legacy.

Information technologists such as Braman et al. state that our digital assets become increasingly important to us. "As users live more as their 'digital selves', or live in 'virtual life', what we leave behind after our death can be important to consider and protect" (Braman et al, 2011, p.187). That is why in this research I will investigate the power relationship between the digital intermediaries and the users or relatives of the users. Because, in the existing literature a lot of attention goes to the power relationship between

platforms and active users, but not much attention goes to the legacy of these users. This opinion is shared by Massimi & Charise who argue that there is a lack of attention for the role technology plays at the end of people's lives (2009, p.05)

With digital intermediaries having control over our digital assets we should consider if we as user still have agency over our digital legacy. And we should ask ourselves who is in control of this legacy when we pass away. In order to give an insight into the notion of agency that I just mentioned I have formulated the following research question: *How do the current policies of digital intermediaries Facebook, Google and Apple concerning digital legacy, take shape, and how do these relate to matters of agency when relatives want to obtain the digital legacy of a deceased user?* The second part of this research question is that I want to show the tension between the platforms and the relatives. In this research I will use a mixed method approach in which I will look at the policies of the digital intermediaries and the consequences these policies have for relatives of deceased users who seek contact with the digital intermediaries. To do this the first step is to use the thanatosensitive lens of Human Computer Interface scholars Massimi & Charise. They coined the term *thanatosensitivity* in 2009. They claimed that death has become mediated by technologies and that therefore there should be more attention for the end of life of a user in designing technologies (2009, p.5). Through this lens in which they mapped out different problems that occur with technology at the end of people's lives, I will look at the policies of digital intermediaries Facebook, Apple and Google to see if the policies take these problems into consideration. In the analysis I will focus on the modes of governance of the platforms around digital inheritance. New media scholars Light, Burgess & Duguay describe an app's governance as: "how the app provider seeks to manage and regulate user activity to sustain their operating model and fulfil their vision." The modes of governance cannot be seen apart from the affordances of the platform, therefore I cannot escape from also mentioning the relationship between the affordances of the platform and the modes of governance. Because Light et al (2018) state that the governance is an important part of a platform I will use their walkthrough method as an inspiration for analyzing the texts to see how thanatosensitive the policies of the digital intermediaries Facebook, Google and Apple are? After analyzing how thanatosensitive the policies are I will investigate how these policies talk about user agency. I will use theory of media scholars Jose van Dijck (2009) and Tama Leaver (2013) regarding the lack of agency that users have on user generated content platforms like Facebook. I will specifically look into the differences in the amount of agency users and relatives have between the different digital intermediaries according to their policies. The next step is to analyze how digital intermediaries deal with post-mortem privacy issues of their users. I will use the theory from Edwards & Harbinja (2013) who wrote about the question whether dead people should have privacy. I will use their theories regarding post-mortem privacy to analyze how the

policies of the digital intermediaries write about post-mortem privacy. By doing this I can see if they can be put into the box of the deletionist movement or the preservationists. After I have analyzed the policies regarding the standpoints of the intermediaries concerning post-mortem privacy and user agency, I will analyze the correspondence on help fora of the digital intermediaries. I will analyze the correspondence with a nethnographic approach from Kozinets (2010), to see how the policies of the intermediaries cause tension or frustration or a dispute between the intermediaries and the relatives regarding user agency and post-mortem privacy of a user who passed away. By doing this I can get a clear view of the power relationship between the intermediaries and the relatives and the different viewpoint both parties may have. A more extended version of the methods that will be used in this research can be found in chapter three of this thesis. Now I have explained the scope of this research I will use the next chapter to elaborate on theories that I deem relevant to contextualize and indicate the developments around contemporary digital legacies.

2. Theoretical framework

In this chapter I will first discuss the shift that has taken place in recent years from traditional estate planning to estate planning in a digital age. I will elaborate on the role of the cloud in our contemporary lives and how the cloud changed the way we have ownership over our assets. After that I will discuss the unequal power relationship that we as users have nowadays with social media platforms and how that has impact on our digital legacy. Finally, I will discuss how much attention technology makers give to the event of the death of the user and what kind of problems arise because of the event regarding access and post-mortem privacy.

Ownership & digital assets

According to taxation scholar Hopkins, the estate planning for the digital world has become increasingly complex because of the digitization of assets and property (2013, p.210). Traditionally assets, wealth and property would be transferred according the property right. But Hopkins argues that the development of digital lifestyles, digitalization of assets, and the immense growth of the internet are challenging the effectiveness of traditional estate planning mechanisms. There is also a change noticeable in where these assets can be found, instead of these assets being on devices such as laptops, tablets and phones a lot of assets now a days are stored via websites in the cloud. Assets in the cloud can be accessible via a password which results in an average internet user having at least 26 different online accounts and at least having 10 different passwords or pin codes. (Hopkins, 2013, p.210). In his book *The prehistory of the cloud* English Professor and former network engineer Tung-Hui Hu calls it a fantasy if people would think the cloud would give us new forms of individualized participation or new forms of ownership over our data. A fantasy that is structured by older, preexisting discourses. Hu calls the cloud an architecture or topography of our own desire. He acknowledges that – in this era of user generated-content – the cloud our cloud is. Just as it is promised in the I in Apple's iCloud or My in Myspace. But that the cloud gives us a new form of ownership over our data calls Hu a fantasy. (2015, p.17).

As more and more of our contemporary assets become digitized it is noticeable that we also lose ownership over our digital artifacts. In their book *The End of Ownership* Technology Law scholars Perzanowski & Schultz notice that we store a numerous amount of our digital artifacts in the cloud or that we choose for no permanent collection at all(Perzanowski & Schultz, 2016, p.13). Many people choose to stream content from all-you-can-eat platforms as Spotify and Netflix. This shows that people are comfortable to sacrifice permanence and ownership in return for greater convenience and lower prices. However, they argue, this convenience comes with a price, according to the authors. The

shift from owning to licensing leads to uncertainty about what rights we actually acquire. The rights connected to licensing are less clear and less predictable than rights associated with ownership (Perzanowski & Schultz, 2016, p.13). In his book *Owned property, privacy and the new digital serfdom* (2017) Information Law Scholar J.A Fairfield points out that we do not own and control the digital and smart devices we use, but that the companies who wrote the software do. According to Fairfield we own fewer and fewer products that we need to function in modern society. He warns that we will become digital peasants if we don't take back control over our ownership rights. As an example Fairfield mentions the Amazon Kindle, users who want to switch to a different e-book platform are unable to bring their collection with them. Therefore Fairfield argues that we are "owned" by software companies and overreaching governments (2017, p.11-13) The loss of ownership over our digital artifacts as is described in this paragraph has effect on how we perceive our digital legacy. This loss of ownership means that in the event of the death of a user, the family members might not have the right to directly heir the digital artifact, but that they are delivered to the wishes of digital intermediaries who control these artifacts. Therefore in the following paragraph I will investigate the power relationship between users and platforms.

Platforms and power relationships

As Fairfield (2017) argues that we own less and less of our assets nowadays this leads us to investigate the power relationship between users and platforms in our contemporary society. With a decrease of the amount of things we "own" there can be argued that the power relationship is out of balance. A prominent voice in the debate about power relations and platforms is media scholar Jose van Dijck. In her first book about the history of social media platforms *The Culture of connectivity* Van Dijck mentions a handful of authors who critique social media platforms. For example Terranova (2004) and Petersen (2008) argue that users of these platforms get exploited as workers and as consumers because they are forced to buy back their own processed data by relinquishing privacy. In *The Culture of Connectivity* Van Dijck also points out that platforms deliberately write complicated policies and terms of service (ToS). For example Facebook's privacy policy is known to be longer and more complicated than the U.S. Constitution. According to Van Dijck platform owners constantly change their rules of governance for example by changing their interfaces. What makes it more complicated is that platforms constantly try to look for what the law allows and what the users accept. What complicates the matter is that most laws arise nationally and are thus specific for a certain cultural context. Germany for example, has much stricter privacy laws than the U.S. Of course these ToS are adjusted to national customs but according to Van Dijck control over the ToS is primarily in the hands of the owners of the

platforms who are able to change and adjust conditions at any given moment without the prior consent of the user (2013 p.38). This position of constantly changing policies that are unclear and discouraging to read also has an impact on the policies around one's digital legacy. Because when a user accepts certain policies when subscribing for a service but hasn't even read them, the user or his relatives could be surprised by the effects of these policies on the legacy at the event of dying.

Communications scholar Tarleton Gillespie also points out the odd position platforms have as intermediaries in a legal and practical sense. Talking about social media platforms he states:

They are indeed intermediaries, stuck in the middle in both the legal and practical sense: halfway between users with different values, halfway between policymakers and the people they seek to regulate, halfway between a conduit and a curator, and halfway between an array of internal aims and external demands. But they also get to play both sides, where they enjoy all the right to intervene, but with little responsibility about how they do so and under what forms of oversight. (2017 p.24).

Within the debate about the power relationship between digital intermediaries and their users I want to focus in this research on the role digital intermediaries play in controlling a user's digital legacy. A lot of the debate about the power relationship is focused on users who are being exploited while alive. However, not many authors within the debate talk about the aspect of digital inheritance and the control over one's data when someone dies. This research lays in line with for example the opinion of Communication and Media researcher Johanssen who in his article about affect on Facebook states: "The dynamics between Facebook and its users show themselves as relations that are characterized by inequality with regard to power, website ownership, the treatment and control of data, and general support of users." (2018, p.218)

As we lose ownership over our assets, which results in a new and unbalanced power relationship with big social media platforms the agency we have on these platforms also changes. Media scholar van Dijck writes about agency in relationship to user generated content. She asks herself who the "You" in Youtube is and what kind of agency we can attribute to users of platforms of user generated content (USG). Van Dijck argues: "(...) user agency is a lot more complex than these bipolar terms suggest; we need to account for the multifarious roles of users in a media environment where the boundaries between commerce, content and information are currently being redrawn." (2009, p.42). Van Dijck argues for a more comprehensive approach to user agency which includes perspectives of cultural theorists, economic and labor relations. She states that users of USG platforms should be regarded as *content providers* and *data providers*. According to van Dijck users have no power over data distribution which is the main theme in my thesis. The lack of power user or relatives have in their say about their data distribution. This is also

something what internet scholar Leaver argues. She connects the way these platforms handle the dead users to the business models of the platform. She states: "Death, at first glance, renders users (or post-users) without agency or, implicitly, value to companies which data-mine ongoing social practices (2013) ." According to Leaver dead users are of no value to social media platforms because these platforms have a business model that data-mines the activities of the users. And a user who is dead, also doesn't generates data as she states:

While data mining is clearly a core element in the operation of Facebook and Google, the ability to scrutinize the activities of users depends on those users being active; when someone dies, the question of the value and ownership of their digital assets becomes complicated, as does the way companies manage posthumous user information. (Leaver, 2013)

She gives the example of Google's email service Gmail. When a Gmail user dies the emails of this person still take space upon Google's servers, but with nobody using the account there is no data to be mined or interaction with ads from the user so Google cannot own revenue from the account while the handling of the emails to the family of the deceased is an incredibly laborious one according to Leaver (2013). Thus, for Google the value of the emails is zero, while for the relatives of the deceased user the value is immense. This is different for Facebook where according to Leaver relatives can still interact with the memorialized page of a user and with that interaction can generate data which is valuable for Facebook's business model. Thus, according to Leaver there is a relationship in the lack of interest of platforms for the death of a user and the way their business model functions. This creates an unequal power relationship which is based on only taking care of users when they are valuable. The policies that Leaver mentions and uses for her observations are a bit outdated and from 2013 so it is interesting to investigate in this research what since then has changed, to see if the digital intermediaries have taken action. My research will also add the perspective of the relatives of a deceased user to the research that Leaver (2013) had done, because I will also analyze the correspondence between the them and the intermediaries, whereas Leaver only looked at the policies.

Death & technology and privacy

The fact that people have different opinions about how digital assets should be distributed is also noticeable in the discussion around post-mortem privacy.

In their paper *protecting post-mortem privacy*, Information law Scholars Edward & Harbinja describe the term as: "rights of privacy for the dead" (2013, p.103). The scholars argue that the rules regarding post-mortem privacy are quite complex. Loved ones might want to know everything about the person who died, but the person who died might have

had certain secrets that he or she never wanted to tell. Post-mortem privacy is termed as: “the right of a person to preserve and control what becomes of his or her reputation, dignity, integrity, secrets or memory after death” (2013, p.103). Digital assets such as Facebook accounts get memorialized. According to the authors this raises questions who decides if the profile gets memorialized, the parents or the friends? And what if the profile unveils something about the deceased the parent rather wouldn’t know, such as an addiction or specific sexual preference. As said, a huge role in digital legacy is played by digital intermediaries such as Facebook, Google and Twitter. The role these organizations play became more clear in 2005 in a lawsuit between email provider Yahoo and the relatives of a soldier who was killed in action. The relatives asked Yahoo for access to see the emails of the soldier to see his last words. In turn, Yahoo refused this stating that their terms of services forbade giving transfer of details to third parties in order to protect the privacy of the owner. The dispute was taken to court where the judge ordered that Yahoo should provide the family with a CD which contained copies of the emails of the soldier. Thus, intermediaries like Yahoo play a crucial part in controlling ones digital legacy.

The rules about ownership and digital legacy are all worked out in the Terms of Services of Facebook, although research shows that these documents are rarely read. According to Edward & Harbinja the rules about the account can be quite strict. For example: when a Facebook user dies the contract that Facebook has with the user ends but Facebook still remains in control over the access to the account of the user. While a relative without a Facebook account will not even be able to read the content of the account if they were no friends on Facebook. Control and ownership over the digital assets on the account is thus primarily enclosed in contracts (2013, p.108).

In this research I investigate the policies of the digital intermediaries and their correspondence with relatives to discover what their stand is about post-mortem privacy and if the intermediaries differ in certain aspects. This also tells us about agency, like who has the agency. The relative or already the user before he passes away by appointing a legacy manager? The notion of post-mortem privacy is complex so I have to watch out not to make it too juridical. But this concept allows me to have a critical lens to see how digital intermediaries regard privacy of dead users and what this tells us about the power relationship.

The unbalanced relationship between users and platforms is also noticeable regarding digital inheritance. In their paper *A Death in the Family: Opportunities for Designing Technologies for the Bereaved* Massimi & Baecker want to raise awareness for problems surrounding technology and death. They state that there is not much known about how technology intersects with the ongoing lives of the bereaved. Just as religion and culture, technology can play an highly influential role (2010). In the paper the researchers investigate how bereaved people use, reflect on, and inherit technology. They examine three areas: inheriting technology, using technology to remember and changes in behavior and attitudes. In their research Massimi & Baecker conducted a survey under people who recently lost someone they loved. With the outcome of this research Massimi & Baecker formulated a list of opportunities for thanatosensitive design that designers should consider if they want to make their products thanatosensitive. A couple of these opportunities I deem relevant to use for my own research. I have picked these design opportunities on how applicable they are for digital intermediaries to apply on their products, because some opportunities are meant for society in general instead of a commercial platform. With the opportunities I can analyze how thanatosensitive the policies of digital intermediaries are and if they in any way talk about the fact that a user may die, so I can use their opportunities as part of my method as a lens to approach the policies. One of the problems the authors talk about is the will drafting problem. They state that people often forget to add digital assets to their will, so they argue for more systems that make the distribution of assets simpler so the wishes of the deceased are carried out. They also talk about the domestic data-problem. This recognizes that a lot of technologies belong to an entire household instead of just of one person. Therefore companies should remember there are always two types of users: the primary user and the inheritor. (Massimi & Baecker, 2010). Another problem that may arise is the reconciliation problem. This entails that bereaved people face utter uncomfortable situations when someone dies so it should be considered how technology will represent someone after they die, and if this will cause discomfort. The last one I deem relevant is the attitude spectrum problem. This entails that people have various opinions about how their digital assets should be distributed, therefore technologies should support that people make informed decisions about this subject, and provide certain options about data distribution upon death (Massimi & Baecker, 2010). I will use the problems Massimi & Baecker to see if the policies of the digital intermediaries show if they have thought about solutions for these problems. The more solutions they offer the more they show that they are thanatosensitive. I will elaborate on this in the next chapter.

3. Method

In this chapter I will explain the method that I will use in order to answer the research question and the different sub questions. For this research I will answer the research question by executing a mixed method approach in which I will analyze the policies of digital intermediaries and the way these policies are exercised when the family of a deceased user come to claim the legacy of that user.. The reason I have chosen this specific approach to answer this question is because the subject is too complex to answer with only one kind of method. As stated in the introduction I am particularly interested in the unbalanced power relationship between the digital intermediaries and the users or relatives of the users. I argue that the policies of the digital intermediaries create a lack of agency for the users and or the relatives. This lack of agency causes a certain tension or friction regarding the digital legacy. As mentioned before, Leaver, for example, argues that the policies are too blunt (2013). Therefore in this research I will look into the policies of the digital intermediaries regarding digital inheritance and see how relatives of deceased users react on these policies and deal with them on different help for a.

In order to answer the main question I have chosen two types of corpora to analyze. The first corpus that I will analyze are the Terms of Services of Facebook, Apple and Google that are related to the death of a user. I will analyze these policies for multiple reasons. The first reason is to investigate how thanatosensitive these policies are. In order to see how thanatosensitive these policies are I will use the thanatosensitive lens that Massimi & Baecker (2010) constructed, in which they ask critical questions regarding if technologies take into account the possible death of a user. This is already discussed more in dept in the theoretical framework. With the thanatosensitivity opportunities mapped out this gives me a framework to approach the policies of digital intermediaries and analyze if they are aware of the problems concerning the death of their users. The thanatosensitive approach provides some hands on directions that I can use during my analysis. The second reason to analyze the policies is to learn more about how these policies talk about the agency of the user or relatives regarding digital legacy, and how post-mortem privacy impacts the amount of agency.

I have chosen Google, Apple and Facebook as specific digital intermediaries because they are the biggest tech companies in the world. Together these companies have dozens of platforms and services related to them, with also millions of customers who have to interact with these services. They also have each a different approach regarding digital legacy. For example Facebook gives the option to memorialize a profile, users with a Google account need to appoint an inactive account manager, and Apple doesn't let relatives do anything without a password. It will be interesting to see the differences within these

policies especially since Apple also has a physical product that may provide different challenges regarding digital inheritance. The policies of the companies are all online and can be entered through the help pages of the companies. Before starting the analysis I will back up the policies by making screenshots so they cannot change all of a sudden. I will take screenshots in order to show where the policies are placed on the platform, because the affordances and the modes of governance of the platform are connected. The fact that the policies can change all of a sudden has an impact on this research because by changing the policies the amount of agency might also change which might make the results of this thesis less relevant in the future.

In order to analyze the policies I want to take a structured look at modes of governance within these policies. According to Light et al., when looking at the governance aspect, the researcher analyzes the rules and guidelines of the app in order to discover what types of activities users can conduct (2018). A method that takes these modes of governance into account is *The Walkthrough method* that Light et al developed. They describe the method as: "(...) a way of engaging directly with an app's interface to examine its technological mechanisms and embedded cultural references to understand how it guides users and shapes their experiences" (2018, p.2). The method is basically a step by step approach to analyze an app or digital interface by also taking the environment of expected use into account. This relates to the modes of governance, as well. Because I look into different digital intermediaries that clearly differ from each other, I will not perform an elaborated affordance analysis but instead mainly focus on the ToS of the platforms and see how they intertwine. Thus, I will not perform a full affordance analysis of the interface, I will only look into how easy the policies can be found, because this is important for the relatives of a deceased user. The easier the policies can be found the more convenient this is for the families of the deceased. The walkthrough method is valuable for my research because it is one of the few methods that takes into account the governance aspect of an app. This is interesting for my thesis because it makes clear how the digital intermediaries regard the death of a user and. By using the Walkthrough method as inspiration for my analysis of the policies I can analyze and compare the different policies and their integration in the platforms, and interpret what it says about the power relationship between the platforms and the user or relatives. So, the strong point of the method is that it looks further than just the interface of an app but also at the business model, the policies and technical aspects. According to Light et al. (2018) the downside of the method is that it doesn't incorporate the user in any aspect. So the opinion of users about a certain app is not taken into account. This is not a big threat for my research because I will look into the opinion of the user by reading the correspondence on the fora.

To see how the policies of the intermediaries create hurdles for the relatives I will look for already existing correspondence between digital intermediaries and the relative

of someone with a digital legacy. I will perform a qualitative analysis of the messages on the for a. In my research I will focus on archival data collection, which is data that already exists in the fora. This type of data collecting is a part of the method of *netnography* which is described by Robert Kozinets (2010) as an approach to study fora, chats, newsgroups, virtual worlds and social networking sites. According to Kozinets analyzing archival data will provide me with a convenient bank of observational data. After collecting this data I will execute a hermeneutic interpretation of the conversations. According to Kozinets this entails looking not only at the post itself but at a deeper meaning of the post. So I should consider why the poster posted it, what the poster wants to convey and what is conveyed beyond the words in this specific community. So the hermeneutic interpretation aims for explanation rather than description (2010, p.122). So if the policies are mentioned in the correspondence, in what kind of way are they mentioned and what tells the correspondence us about, ownership, agency and privacy of the users.

To find correspondence between the digital intermediaries and the relatives I will analyze the Facebook Help forum, the Apple Help forum and the Google Help forum. On these fora I will search in the search bar for words relatives would use while asking a question about digital legacy. Words that I will search with are; dead, death, legacy, digital legacy, inheritance, access, killed, deceased. These words will give me results with threads on conversations around death related to these intermediaries. Digital legacy and inheritance are words that are mentioned in the literature so it is interesting to see if they are also used by people. I will scan the threads and pick several threads of each intermediary to analyze in depth. I will pick the threads based on the lengths of the conversation, assuming that the longer the conversation is the more likely it is that something interesting will be said. I am especially interested in conversations that show an argument or frustration with the policies of the intermediaries, because this will provide proof for the tension that there is between the wishes of the platform and wishes of the relatives. I will also look into who answers these questions, maybe some fora let other users answer the questions or have specific moderators who handle these questions. This will tell me something about the amount of time, money and effort these companies are willing to invest in handling this subject. I am particularly interested in conversations around agency, ownership and post-mortem privacy. The reason why I have chosen to analyze the help-fora is because they can be seen as the ticket-windows when people experience problems regarding digital legacy. So I expect that these are the places where there can be a tension distinguished between the relatives and the platforms. Because death is such a delicate subject, analyzing the correspondence provides a good way to obtain information from people about the subject without harming them by remembering them about their loss.

In this research are definitely some ethical considerations that needs to be

addressed. According to Guillemin & Gillam a researcher should have a reflexive approach regarding research practice which entails: "(...) first, an acknowledgment of micro ethics, that is, of the ethical dimensions of ordinary, everyday research practice; second, sensitivity to what we call the "ethically important moments" in research practice, in all their particularities; and third, having or being able to develop a means of addressing and responding to ethical concerns if and when they arise in the research" (2004, p.276) In this research I will reflect here on the following relevant considerations: The information people provide on these online fora's about the loss of their loved ones is highly sensitive. People who post on these places are mourning and are in deep sorrow. Therefore it is of uttermost importance that their identity is protected. To guarantee this I will anonymize all the names and places that can lead back to the identity of the person who posted the question, profile images will therefore also be blurred. There are definitely some limitations regarding this research. The outcome of this research cannot be generalized for other digital intermediaries such as LinkedIn or Twitter because each platform has different policies regarding digital inheritance. Another limitation of only reading the correspondence between the relatives and the intermediaries is that I cannot ask why they gave certain answers or to clarify themselves. Therefore this research relies on a big part of my interpretation as a researcher which is of course biased by my own cultural background.

4. Analyses of policies

In this chapter the policies regarding the death of a user of the digital intermediaries Facebook, Apple and Google will be discussed by investigating the policy content and platform integration. I will start by providing insight in how the different policies can be found on the different platforms, and after that I will analyze how thanatosensitive the policies are based on the opportunities that Massimi & Baecker (2010) defined. Besides that, I will also analyze the policies on the different themes that I took from my theoretical framework – ownership, agency and post-mortum privacy,– in order to validate the unequal power relationship between the platforms and the users. Each time when I discuss a policy a link to the discussed policy can be found in the footnotes on the bottom of the page. An overview of all the different links to the policies can be found in appendix C.

Thanatosensitivity

As a user of one of the services of Facebook, Google or Apple you have different options to prepare your account for the inevitable event of your own death. Every platforms has its own policies and rules and some platforms are more thanatosensitive than others. I will now analyze how easy it is on the different platforms for a user of the family of a deceased user to find information regarding death on the platform. I will look into where the different tabs who provide entry to the policies are integrated in the interface.

It is a fact that a user will die someday so one would expect that a user would could in some way prepare his account for this event. Facebook and Google both have policies regarding the death of a user. In order to find Facebook's policies about the death of a user one should navigate to the Facebook Help Center or through the general account settings. I eventually found it by using search engine Google, but I expected it to be more easy to find, especially given the fact that over 8000 people die on Facebook each day (The News Minute, 2019). In Appendix A screenshots are added of the different screens where users can find information about the subject of death on Facebook. If a user with a Google account wants to prepare his account for his own death he can find information under the tab "About inactive account manager". As can be seen in appendix B this page can be found in the Google Help Centre, but this overview is hard to find. The easiest way is to get to the page via the Google search engine. Apple's policies are even harder to find as they don't have specific policies around the death of a user. They only state in their Terms of Service that an Apple account is nontransferable.¹ So in general the policies around the death of a user are quite hard to find via the platforms itself, but quite easy via

¹ Policies iCloud nontransferable, retrieved on 19-03-2019 from: <https://www.apple.com/ca/legal/internet-services/icloud/en/terms.html>

the Google search engine. I would expect that these policies or options for preparations would have a more prominent place on the platforms, considering the fact that every user will die someday. It is interesting that the platforms on first sight don't highlight the possibility to prepare an account for death, which leaves the relatives of the dead user with more problems than if it would be prepared. This might have to do as Leaver (2013), argues with the fact that dead users have little value for the platforms since Google and Facebook for example are platforms who sell user data to advertisers. Now the locations of the policies are discovered I will elaborate on how the policies deal with the death of a user and how thanatosensitive the policies are.

The digital intermediaries vary in how thanatosensitive they are. Facebook for example offers several options to handle the account of a dead user.

The first option to deal with dead users is to "memorialize" an account. This can be done by a "legacy contact", this is someone who is appointed by the user before passing away, or by a close friend or a family member if the deceased didn't appoint anyone beforehand. Memorializing an account means that the word "remembering" will be shown next to the person's name.² The second option that Facebook can take is to delete an account. When the account is memorialized only a relative that has previously been marked as a legacy contact can make limited changes to the profile of the deceased. The legacy contact can for example accept friend requests, pin a tribute post, and change the cover photo or profile picture. The legacy contact can also decide who may or may not post and see tribute messages. If the account is memorialized the person will not appear in spaces as People You May know, ads or birthday reminders. And content that the person shared is still available to the persons it was shared with. A legacy contact can also download content from the deceased's Facebook profile. This entails the option to download photos and videos, wall posts, profile and contact info, events and friend lists. However, a legacy contact will not have access to messages, ads the deceased clicked on, pokes, security and settings info and automatically synced photos.³ With the option to appoint a legacy contact beforehand, Facebook shows that it thinks about the challenges relatives might face. Facebook tackled for example the *will drafting problem* that Massimi & Becker (2010) spoke about by giving users the option to appoint a legacy contact. They also tackled the *reconciliation problem* that entails the way in which technology represent someone after they die by letting a legacy contact make changes on the remembrance page. By appointing a legacy contact Facebook gives users agency to give someone they trust the control over their account.

² What will happen to my Facebook account when I pass away? Retrieved on 19-03-2019 from: <https://www.facebook.com/help/103897939701143>

³ What is a legacy contact and what can they do? Retrieved on 19-03-2019 from: https://www.facebook.com/help/1568013990080948?helpref=faq_content

Google's policies differ compared to the policies of Facebook regarding digital inheritance. Google has one policy for everybody who has a Google account, these accounts provide access to services such as Youtube, Gmail and Google Drive. Google let users when they are still alive, appoint an "inactive account manager". An inactive account manager is a person who gets to decide what happens with the account of the inactive user. The inactive account manager will get an email after a certain amount of time chosen by the owner of the account. This can be after three, six, nine or twelve of months of inactivity.⁴ The appointed inactive account manager will then receive an email which will notify that the account of the original owner has become inactive. If the original owner has given access to the inactive account manager to certain data such as emails or pictures, the inactive account manager will be able to download these. Thus, Google also shows that it tackled the will drafting problem and the reconciliation problem that Massimi and Becker (2010) mentioned. By giving the user the agency before he dies to appoint someone who will manage his data. Contrary to Google and Facebook Apple seems to show no sign of thanatosensitivity at all. Apple has one of the strictest policies regarding digital legacy of Apple products. Their policies state:

Unless otherwise required by law, You agree that your Account is non-transferable and that any rights to your Apple ID or Content within your Account terminate upon your death. Upon receipt of a copy of a death certificate your Account may be terminated and all Content within your Account deleted. Contact iCloud Support at <https://support.apple.com/icloud> for further assistance.⁵

This means that that there is no option for relatives of the deceased to access an Apple device or the content of the Apple device, without having the account details. And even if they would have the account details it would be against Apple's policies to login on the device. Only when providing a death certificate to Apple it would be possible to reset a device and make it usable for a new user. Before resetting the device, the device is useless. Unlike Google or Facebook, Apple does not have the option to appoint a legacy contact. Thus, Apple's policies show little sign of thanatosensitivity, they have not thought about the *will drafting problem* nor the *reconciliation problem*. It seems they have given a little bit of attention to the *domestic data problem*, – meaning that a device does not belong to a single person but to an entire household. Especially since Apple has numerous physical products this is an important point to consider. – But the Apple Support page does not give further instructions over how to hand in a death certificate or where to go to with the death certificate. This shows that, as was already mentioned in the theoretical framework the ownership, and agency over our digital legacy lays completely in the hands of the digital

⁴ Inactivity preferences, retrieved on 19-03-2019 from: <https://myaccount.google.com/u/2/inactive>

⁵ Policies iCloud nontransferable, retrieved on 19-03-2019 from: <https://www.apple.com/ca/legal/internet-services/icloud/en/terms.html>

intermediaries. In the next paragraph I will elaborate on this topic of agency and the unequal power relationship.

Agency

A central theme in this thesis which has already been argued by several authors is the unequal power relationship that exists between platforms and their users. As I illustrated before, Google and Facebook offer options to prepare an account for the case a user dies. But these precautions are not mandatory and in my experience not very well known as well, so it should also be considered how relatives deal with the account of a deceased loved one in case they are not appointed as legacy contacts or inactive account managers. That the power relationship is unequal is showed in the policies. For example, If a Facebook account is memorialized without a legacy contact, no one is able to make any changes to the profile. It is against Facebook's policies to log into another person's account they state: "Please keep in mind that it's always against the Facebook Terms to log into another person's account. We'll only be able to give you access to an account if we can verify that it's your own account".⁶ so relatives are never allowed to completely take over the account of the deceased. This differs a lot from traditional inheritance laws which let relatives step into the shoes of the deceased (Berlee, 2017, p.1). The relatives are completely stripped away from the agency they would have in traditional inheritance laws. In order to memorialize an account, immediate family members first need to prove their authority. They can do this by providing one of the following documents: power of attorney, birth certificate, last will and testament or an estate letter. If they have provided their authority they need to prove that their loved one has passed away by providing one of the following documents: obituary or a memorial card.⁷ Facebook explicitly mentions that the information on the document should match the information on the account.

Jose van Dijck argued that users do not have much agency in deciding which of their data gets distributed (2009, p.42). This is definitely also the case for their digital legacy. Users provide numerous amount of data while being alive but the relatives have only access to limited part of this data. A legacy contact can only be a Facebook friend, this means that if a father or mother is not a friend on Facebook with their child they cannot be a legacy contact and thus cannot control in any way the profile of the child or let friends know that their child has passed away.⁸ Even if the parents would have the login details of the account, the terms of service of Facebook would forbid them to login and edit the account. In order for relatives to receive additional account information that is not

⁶ Why can't I log into a memorialized account on Facebook? Retrieved 19-03-2019:

<https://www.facebook.com/help/146677972070075?helpref=related&ref=related>

⁷ How do I request the removal of a deceased family member's Facebook account? Retrieved on 19-03-2019 from: <https://www.facebook.com/help/1518259735093203?helpref=related>

⁸ Can I choose someone who isn't my Facebook friend as my legacy contact? Retrieved on -19-03-2019 from: <https://www.facebook.com/help/1585126361706709?helpref=related>

accessible for them as a legacy contact, the family would have to prove that they are authorized representatives and they would need to show a court order. This is of course a very blunt and drastic action which I would cost quite some money, given the fact that they would need to hire legal counsel, and this is not something many people with grief have the time or energy for if they just lost someone. In 2013, Leaver already argued that the Facebook policies were too blunt, leaving no time for loved ones to clean up the profile. In 2015 Facebook introduced the legacy contact, so the argument of Leaver is not completely valid anymore. But the amount of cleaning the legacy contact can perform is limited, and if relatives do not have Facebook, cleaning is impossible. Thus, the argument of Leaver that the policies are blunt still makes sense. The process in which relatives need additional account information while they are not authorized as legacy contacts is characterized by inequality because the relative completely depends on the generosity of Facebook. This is completely in line with what Johanssen (2018) stated, that the relationship between Facebook and its users is characterized by inequality. Especially the fact that relatives need to be Facebook members in order to be legacy contacts. This blunt way of handling the digital legacy by Facebook is exactly the kind of critique Gillespie (2017) also had on platforms as Facebook. He stated "(...) they enjoy all the right to intervene, but with little responsibility about how they do so and under what forms of oversight" (2017 p.24). This is exactly what is so unequal about Facebook's policies, they make the rule about their users digital legacy but they make the rules in such a way that relatives need to beg for access or information. The agency lays completely in hands of Facebook.

Regarding the subject of agency, Google gives the owner of the account agency by letting him appoint an inactive account manager, but if a user did not do this the family also has a hard job in retrieving the data. The login information is still secret for the inactive account manager, he will only be able to either delete the account or access data that the owner wanted him to see.⁹ In the occasion someone passes away and did not appoint an inactive account manager Google states: "In certain circumstances we may provide content from a deceased user's account. In all of these cases, our primary responsibility is to keep people's information secure, safe, and private. We cannot provide passwords or other login details. Any decision to satisfy a request about a deceased user will be made only after a careful review." If a loved one passes away without appointing an inactive account manager relatives need to fill in a form to request to delete the account, to obtain funds from the account, for example when someone like a vlogger made money with a Youtube account, or they can request to obtain data from the account like emails. In that case Google needs a death certificate and a scan of the relatives ID card. When asking for data

⁹ About inactive account manager, retrieved on 19-03-2019 from:
<https://support.google.com/accounts/answer/3036546>

the relative need to agree on the following condition: "I understand that, if my request to get information from a deceased person's account is approved, I will need to get a court order issued in the United States."¹⁰ This is quite a harsh statement, because to get a court order in the US is not easy and quite time consuming work. There have been a few examples of people who won a case like this but not many (Hopper, 2012). So, Google is not making it easy for relatives to get data from the deceased. If someone dies and you need information about, for example, an insurance that is on the deceased person's email then you cannot afford 12 months of waiting for the inactive account manager to be activated. Google is making the process of retrieving a loved one's urgent data quite hard. The option to appoint an inactive account manager is also not mandatory and the option is hard to find in the setting of Google, so I assume not many people know about this option or consider appointing someone. As a relative without access to the data you rely completely on the generosity of Google as an intermediary, so the power relationship is again unequal.

Post-mortum privacy

In an article with additional information about Facebook's views on digital inheritance Facebook's Global Policy manager Monicka Bicket also explains the view Facebook has on post-mortem privacy. She gives the example of the father of a son who committed suicide, who wants to read the private messages of his son to find a motive for his actions (Bicket, 2017). According to Bicket it might seem normal to hand the father the messages, but by doing this Facebook would expose the privacy of the person who sent the messages to the son. Bicket explains that laws may prevent Facebook from doing this. She mentions laws like The American Electronic Communications Privacy Act and Stored Communications Act that according to her, prevent Facebook of relying on family consent to disclose private communication. So Facebook regards post-mortem privacy as something that dead users certainly have. This approach is interesting because for example the recent European Privacy Law the GDPR states that people lose their privacy as soon as they pass away (GDPR, 2019). Although some European countries still protect the privacy of the deceased for a certain amount of years, this is for example the case in Denmark where the data is still protected 10 years after a person past away. In the Netherlands the GDPR does not apply for dead people (Bird & Bird, n.d).

The approach Facebook has here is exactly what Edwards & Harbinja (2013) mentioned when they stated that Facebook tries to apply one single set of rules to different jurisdictions disregarding the local laws that would apply. Facebook applies one law regarding privacy on the entire world, while the laws differ in different regions.

¹⁰ Submit a request regarding a dead person's account, retrieved on 19-03-2019 from: <https://support.google.com/accounts/troubleshooter/6357590?hl=en#ts=6357652>

Google's argument is just like Facebook's that they want to protect the private data of the deceased and so post-mortem privacy is for them an important point to consider. But unlike Facebook Google gives ultimately insight in private conversations if someone has been appointed as inactive account manager. Where Facebook states that this is legally challenging based on The American Electronic Communications Privacy Act and Stored Communications Act Google gives this information to anyone who is appointed by the deceased. Thus, the companies have different viewpoints on the matter. Regarding post-mortem privacy, Apple puts a lot of effort in protecting the data of the deceased, It is even a challenge for the family of the deceased to completely wipe the Apple device and start fresh over.

Ownership

Just as Fairfield (2017) mentions, we are in a new age regarding ownership, that looks like the feudal time period. A period where peasants lived and worked on the land of their lord without having any ownership over this land. This is also noticeable in the policies of the digital intermediaries. Where ownership traditionally moves from the deceased to the relatives of the deceased, this is not the case with a digital legacy. The digital intermediaries make their own rules regarding agency, and control of the data of the deceased. When a relative dies it becomes painfully clear that users do not own the accounts they use, but that the digital intermediaries do. This means that for example the pictures on the Facebook timeline of the deceased are not his, neither are the videos on the Youtube account of the deceased. Of course one could argue that a user knows what he signs up for beforehand, because the rules are written in the policies. But this shows to be quite difficult just as Jose van Dijck argues that the policies of social media platforms are too long to read, and change too often (2013, p.38). Therefore users might discover too late that they own less than they might have thought.

After analyzing the policies a couple of interesting insights arise. The options Google and Facebook provide to prepare a user account for the death of the user are quite hidden on the platform for a feature that is useful for every user. Because the features do not have a prominent place on the platform, a lot of users die without leaving instructions what to do with the account. This leaves the relative with almost no agency to decide what should happen to the account and how to access the content on the account. Thus, most of the policies are thanatosensitive but users are not encouraged to make their account thanatosensitive. Apple's policies are not thanatosensitive at all which brings all kinds of problem to the relatives regarding ownership and agency. The policies prove to support an unequal power relationship where relatives are forced to provide court documents in order to have access to private data. The platforms defend their strict policies claiming that they only protect the privacy of their users and the contacts of their users, while contemporary

privacy laws like the GDPR state that dead people have no privacy.

Thus, the modes of governance of the digital intermediaries that I discussed are made with the idea that a user uses his agency when he is alive to prepare his account for the event of dying. But the policies and options to ensure that are not easily integrated in the platform for the way it is used by users on a daily basis. Additionally, the modes of governance makes the handling of a digital legacy by relatives of the deceased extremely difficult, forcing them to take juridical steps to obtain the digital legacy of their loved ones. In the next chapter I will analyze the correspondence of the relatives with the intermediaries when they try to obtain or change the digital legacies of their loved ones. This will provide me with more insight in how the policies govern the agency of the relatives.

5. Analyzing correspondence

In this chapter I will analyze the correspondence between the family of a deceased user and the digital intermediaries Facebook, Google and Apple. As mentioned before, previous research by Leaver (2013) focused on the policies of the intermediaries. Therefore I will also analyze how the policies have an impact on the relatives of a deceased user when the relative want to obtain the digital legacy of the loved ones. The first step in this analysis is to see if the people are aware of the policies that the intermediaries have around handling the death of a user. After that I will analyze if the relatives think they have a fair amount of agency over the legacy of their loved ones. I will also look into the way the intermediaries handle the correspondence, if they handle it themselves or if they let other users handle it, how serious they take the relatives, and if the relatives are happy with the way they receive help.

Correspondence

In the previous analysis of the policies we already noticed that the digital intermediaries have a large amount of agency and the relatives have a small amount of agency regarding the digital legacy of their loved ones. Users of Google and Facebook have a bit of agency to prepare their account for death, but the option to do that seems hidden and relatively unknown for a lot of users. That is also something we see when we take a look at the correspondence between the digital intermediaries and the relatives of a dead user. Looking at figure 1 we see a man who wants access to the account of his deceased cousin. The users do not seem to know that the policy of Facebook is that they do not provide access to accounts of deceased users. The Facebook Help employee responds to his question not by answering in length, but by just pointing him to the policies. Which is not what the user asked for, The Facebook Help employee therefore avoids his question, because she doesn't tell him that Facebook does not give access to user accounts. The cousin of the deceased responds by again arguing why he needs access to the account but his call for action remains unanswered. Facebook did not reply to his second question, which leaves the man unsatisfied. What is also interesting is that Facebook does not explain why they don't give access to the account of dead users or why they protect the privacy of their customers. The word privacy is not even mentioned. This manner of handling questions of relatives is something that can be seen as a pattern. After analyzing several threads I noticed Facebook avoids answering the question in deep but immediately points to the policies.

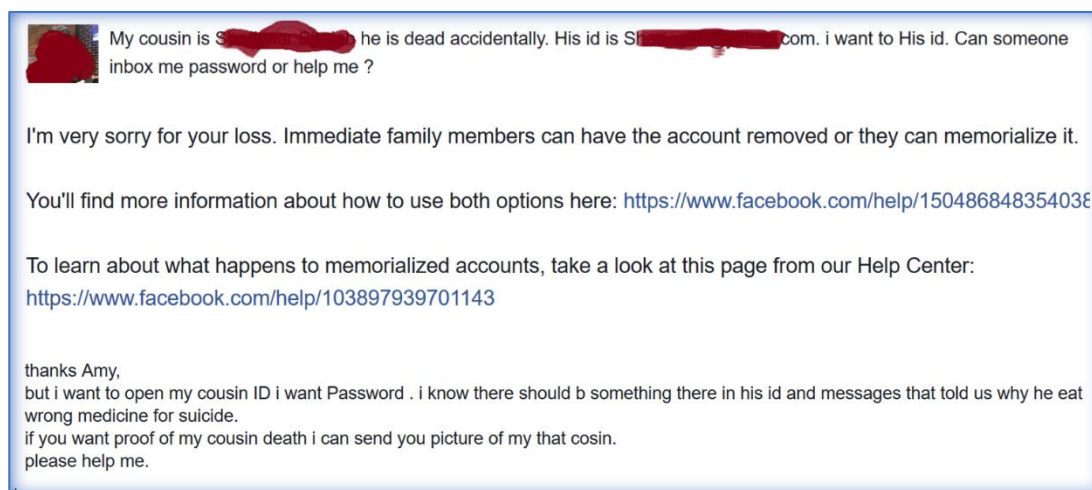


Figure 1

They show that they are sorry for the loss of the relative but after that leave the relatives unsatisfied. What is interesting is that it seems that there is a fixed person on the Help team that answers questions regarding the death of users. One name that answers these kind of questions frequently is *Arie L*. I saw her name pop up in numerous amount of threads. Her bio states that she is part of the Facebook Help team. This might mean that Facebook has appointed special HELP employees to handle these kind of questions. This would mean that Facebook did not only made policies regarding the death of a user but



Figure 2

also trained and appointed special employees to deal with the topic of death on their platform. This would indicate that the subject is important to them. Looking at figure 2 we see that more users think that Facebook can help them accessing the account of a loved one, it seems that not many people realize that the agency about accessing and controlling the account is vested in Facebook.

In the previous chapter I mentioned a post by Monika Bickert in which she explains the policies Facebook has around dying users. Her post got a many reactions with different emotions. Part of the users liked her openness about the subject, but many also saw this as an opportunity to show their frustration about the Facebook policies. I mentioned earlier that the option on Facebook to prepare an account for death is a hidden feature and not well known under users. This observation is also shared by several users who call upon Facebook to actively ask users about what they want to do with their account. As we can see, for example, in figure 3, where a user suggests to actively engage all users about this subject. This post also got a fair amount of likes, thus it seems people share her idea.

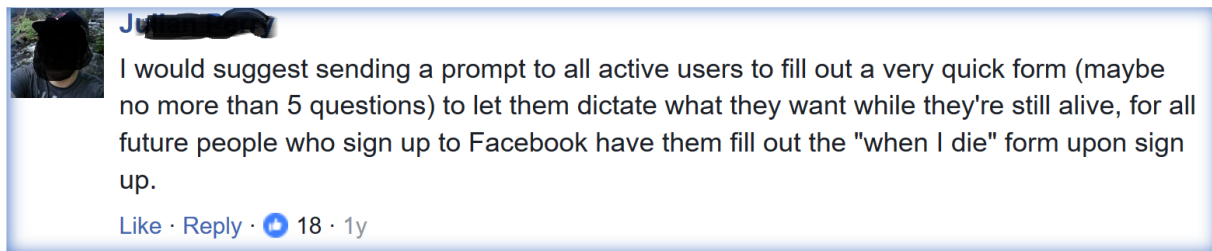


Figure 3

In the theoretical framework we already read that Van Dijck (2009) and Leaver (2013) argued that users have not much agency around deciding what happens to their data. This opinion is also shared by users as can be seen in figure 4. They state that users should have more agency to express what they want to do with their account before they die, and relatives should have more agency in order to decide what to do with the account of a deceased. One user argues that Facebook makes alternate interpretations about

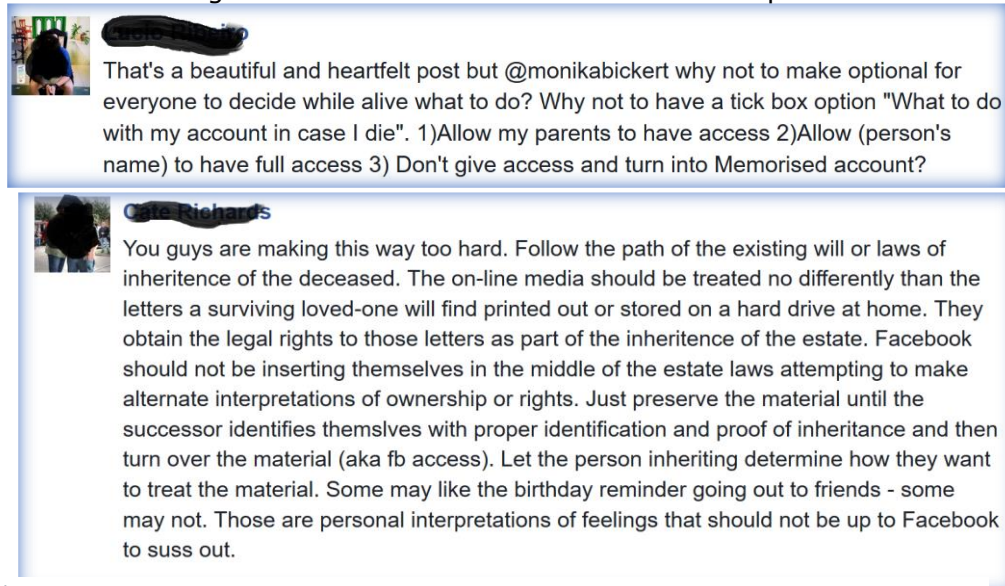


Figure 4

ownership rights. An argument that is also shared by Edward & Harbinja (2013, p.111) who stated that Facebook exercises their own set of rules in different countries and areas.

Leaver (2013) already argued that Facebook is too harsh in dealing with one's digital legacy, some users also agree with this stating that Facebook does not take them serious and ignore their calls for help on such a delicate subject. Something that could also be seen in Facebook handling the questions of users by sometimes not responding as we can see in figure 5. This lazy way of handling seems to cause a lot of hurt and frustration for the user.



Figure 5

That digital platforms do not take the problems of the relatives of a deceased user serious is not something that only Facebook does. It is also noticeable on the Help fora of Google and Apple. The Google Help forum is a place where users can let their answers be answered by other experienced users. These experiences users are called expert users who have a certain level of expertise and are in touch with Google employees in case they have troubles solving a certain issue. The Help fora are divided in smaller fora in which every Google service such as Youtube or Gmail has its own space. Everybody can answer a question from another user but of course the expert users have a certain kind of authority surrounding them as their avatar, for example, shows the status of "gold product expert". It thus seems that Google has a different approach in handling with these kind of issues than Facebook. Where Facebook has its own employees trying to handle the questions, Google seems to crowdsource this job to their users. Which cost them less time and effort. The fact that Google, just as Facebook, sometimes does not actively help relatives of a deceased users to fix their problems is noticeable in the following thread where a user notices that his deceased father had a Google AdSense account that is still generating

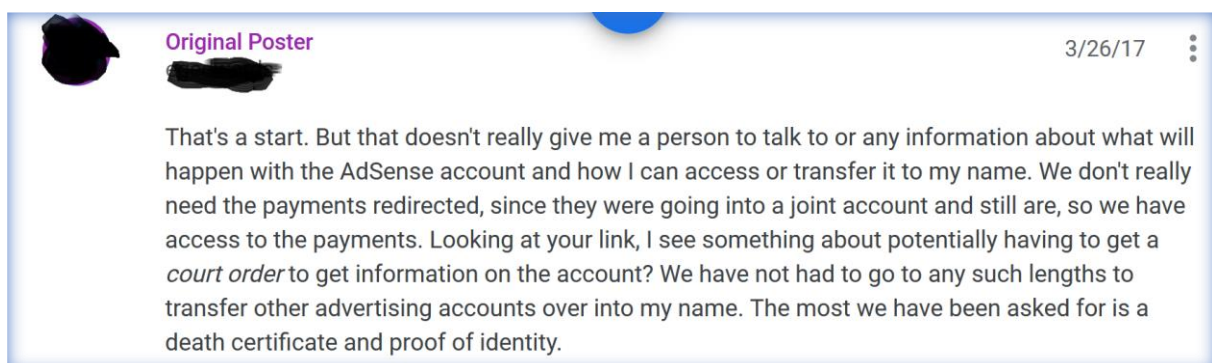


Figure 6

money via advertisements but that they do not know to which email account this AdSense account belongs to. The product-expert gave some suggestions he could try and redirected him to another thread but the poster of the thread immediately expresses his distress about the lack of help he receives and the hurdle he has to take in accessing the account as can be seen in figure 6. The product-expert replies that this way of handling is because Google wants to protect the privacy of the deceased. What is interesting about this is that the man who wants help is still talking to another user and not someone officially from Google, as we can see in figure 7, but the man did have the impression he was talking to a Google employee. This shows that users handling Google's problems can lead to confusing situations.

Usually AdSense accounts can't ever be transferred so I suspect they would close the account & send you the balance is my understanding but I don't know how it all works completely. Google/AdSense is always very concerned about privacy so no they don't easily give info about an account holder although I don't know if it requires a court order.

Sorry but there is also no means for you to talk to someone in person simply due to scale. They have millions of publishers & millions trying to get in so it's rare that they talk to any of them & that's limited to a select group.

If the account is still making money the ads would still have to be on the site (or somewhere) so I would think you would know they were there so I'm not sure why the existence of an AdSense account is a surprise.

Figure 7

In another thread it also becomes painfully clear that relatives experience a lack of agency and that Google is terribly slow in handling these requests. A user expresses his frustration about the process of trying to delete his brother's account and mentions the terrible service he gets from Google. This is noticeable in figure 8. This is a person who is grieving about the loss of a family member and just wants to clean up some things.

Delete deceased person's account 19 expert replies

I have been trying to get my dead brother's Youtube account deleted for months. I've sent several requests to this link that keeps popping up first on my search: <https://support.google.com/accounts/troubleshooter/6357590?hl=en#ts=6357652> and nothing happens, I didn't even get an automated message back acknowledging my request. I have also tried getting help from the homepage's Help link, nothing there. The help center...not helpful at all, not a single answer is relevant. This has become more than frustrating. Worst customer service ever. LinkedIn and Facebook did the same thing in less than 24 hours. Please let me know exactly whom I need to contact, or the exact link/template/form.

Figure 8

After posting the question, what follows is demonstration of incapability from Google to fix the problem of the user. Originally asking for closing the account on 8 of January 2017 results in finally having the account closed on 21th of august 2018. One and a half year later! In figure 9 we see the frustration the poster has. This also again show the lack of ownership we still have over our digital possessions that are in the cloud, as Fairfield (2017) argued. What we saw is a total lack of interest from Google to sort issues with the user and a product-expert who totally agrees with the user on how bad Google handles the situation.

Hi Lady,

So today, after all this back and and forth, I received the following email:

Hi,
We've reviewed your request but have not closed the account *****.
We're unable to close this account because we cannot verify at least one of the following:

- The authenticity of the documents submitted
- Your association with the deceased person
- The association of this Google account with the deceased person
- Confirmation that this Google account is not being used actively

I have no words, honestly.

I think I have been very understanding about how your system works, but this truly is unacceptable.

I have attached all the relevant information, death certificates, immediate family certificate where I am listed as a sibling, passports, I have been to translators and lawyers and the Bar Association to get the documents certified and this is not enough proof???? What is the problem really?????

Figure 9

After a while it seems that Google will not provide access to the account and the man becomes desperate about the options he has. He went in length to prove the necessary documents but received no help at all. Even the Google product-experts seems to be ashamed of the situation after distancing herself from the suggestion that she works for Google, as can be seen in figure 10.

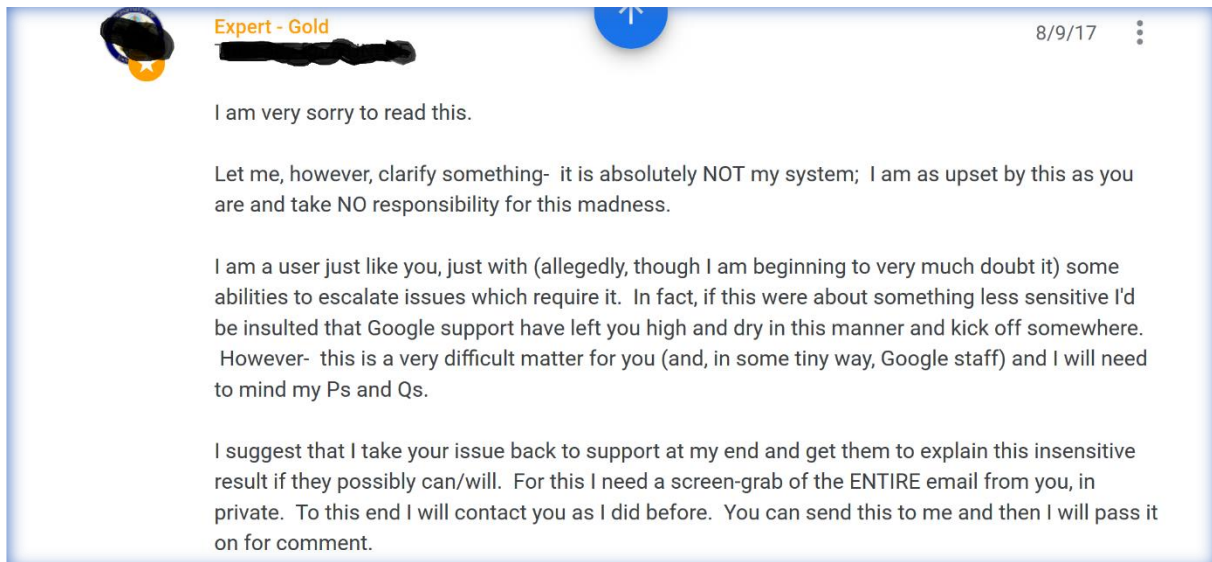


Figure 10

After a period of 10 months there is still no solution for the problem of the man as we see in figure 11 and it seems he even thinks about taking legal action to get the job done. Letting a man in despair of the death of his brother wait for such an amount of time to fix a job that seems so small, truly is a sign of massive incapability from Google and is a clear

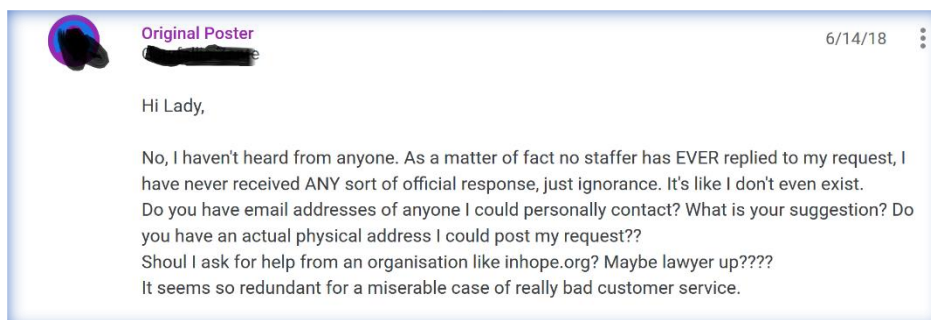


Figure 11

sign that just as Johanssen (2018) stated, an unequal power relationship. This extremely lazy way of handling the matter also seems to confirm the argument that Leaver (2013) had. That for Google to handle these requests costs time and money, money they do not gain anymore from the activities of the user, cause the user is dead. Which means that they do not have a financial incentive to solve this matter, because no more money can be gained by mining the data activities of the dead user.

But Google is not the only organization giving relatives a hard time in accessing the data of their loved ones. Apple is known for its strict policies around privacy. As the analysis



Figure 13

of the policies already showed, Apple state that their products are non-transferable, which makes it incredibly hard for relatives to access Apple products without a password. In figure 12 we see the case of a user who has exactly this problem of accessing a device from a deceased. He asks the question on the Apple community forum, a place where just as on the Google forum users help to answer other questions from users. The more questions a user helps to solve the more points a user gets. As is noticeable on the bottom of his question is that a numerous amount of other users experience the same problem as the user. Other users seem to agree on the bizarreness of the strict policies, due to which

That is what I would try at this point. Unless you can get Apple's help on this, the iPad is just a useless brick now.

While I understand Apple's concerns about security, I personally think that this is one of the dumbest features that they have ever introduced..... Just my opinion.

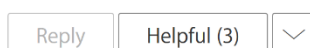
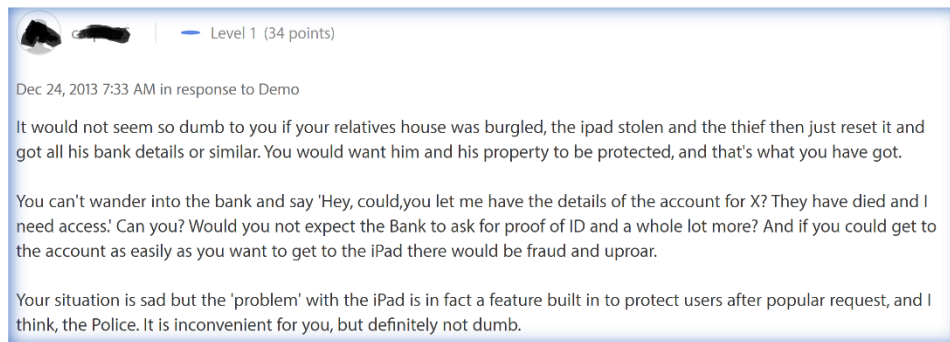


Figure 12

the user effectively ends up with a useless device as we can see in figure 13. What makes the thread even more interesting, is that one user actually starts to defend Apple's policies, arguing that in case of a burglary these policies are working perfectly to protect the users, as we can read in figure 14.



Figuur 14

In the end of the thread there is a positive turn noticeable when the user explains that he went to the Apple store and they unlocked the device for him so he could access the device. As we can read in figure 15.

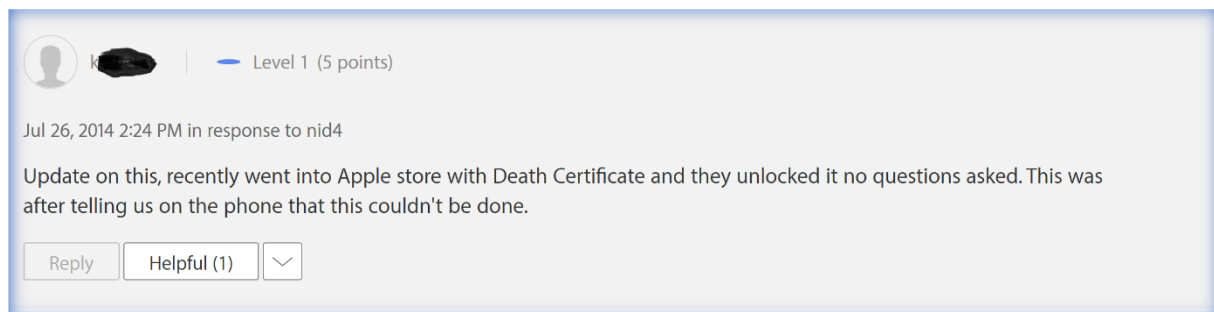


Figure 15

This shows a turn in the way the policies in the previous chapter regarded the death of an Apple user. In the policies it already looked difficult to even get the device activated. Now Apple activated the device but the data of his grandfather still cannot be accessed. So, still for family member who for example want access to the pictures of a deceased Apple user it is impossible to gain access to the account of a deceased user, it seems it is only possible to get access to an erased device. This really shows the argument of Fairfield (2017) that we lost ownership over our data and have become servants of software makers like Apple. That Apple provides a way to make a device useful again for the family of the deceased by letting them come to an Apple store seems quite nice but this option is also inconvenient, given the fact that not every country has an Apple store and that, for example, in the Netherlands there are only two Apple stores, which are also located in the far west of the country. If the family of a deceased user lived for example in Groningen or Maastricht they would be forced to travel for hours and pay a high amount of travel costs, only to get the device to work. Considering the fact that The Netherlands is still a small country, compared to for example to US. Apple only has Apple Stores in 24 countries, which shows that a large amount of the world population would need to cross a border to get to an Apple store. This is an example of a very unfair power relationship, given the fact that the family of a deceased user seem to have no ownership over the device and are completely delivered to

the rules of Apple, who as Edwards & Harbinja (2013) seem to avoid any kind of local law and oppose their own set of rules on tons of different situations. The agency over the device, is thus completely in the hands of Apple, otherwise the relatives of the deceased are left with a useless brick. But a brick full with pictures and video's of their deceased loved one.

This analysis of the correspondence has shown that relatives of deceased user's not always get the attention they need. The relatives do not seem to know the policies of the intermediaries, which leads to situation where they are taken by surprise. Intermediaries Apple and Google outsource the handling of help question to other users, which also leads to situations of misinformation and uncertainty. The handling of the questions shows to be a slow process, a process in which for example Apple users need to travel far to get access to their device. It seems that the thanatosensitivity that some of the policies shown, is not fully effective in providing help to the relatives of a deceased user. This is remarkable given the fact that every user will die someday. Therefore, you would expect a more pro active approach from the intermediaries. An approach who would do justice to the vulnerable state the relatives of the deceased are in.

6. Conclusion

“When people come to Facebook after suffering a loss, we want them to feel comfort, not pain, which is why we stop sending birthday reminders once we know someone has passed away, and why we try to make it easy for surviving family members to reach us.” (Bickert, 2017) This quote from the global policy manager of Facebook illustrates the good intentions Facebook might have about dealing with the death of a user. However, this research has shown that these presumably good intentions are not always well received by the users. This research executed via a mixed method approach aimed to provide an answer on the following research question: *How do the current policies of digital intermediaries Facebook, Google and Apple concerning digital legacy, take shape, and how do these relate to matters of agency when relatives want to obtain the digital legacy of a deceased user?* In this thesis I used theories regarding agency, ownership, thanatosensitivity and post-mortem privacy and power relationships to answer the research question.

This thesis gave some interesting insights into the way digital intermediaries Facebook, Google and Apple think about digital legacy and handle this with relatives of a deceased user. My analysis showed that the policies of Google and Facebook are thanatosensitive but that they place only a certain amount of agency with the user. The problem is that not many users know that they have this agency which results in a more difficult process for the relatives, who need to provide, for example, court documents in order to obtain little access to certain accounts. Thus, Leaver (2013) still has a point that the policies are harsh and blunt, forcing, for example, that a legacy contact should always be another Facebook user. Apple’s policies give even more reason for trouble as they are not thanatosensitive at all, leaving users with the option to go on a long journey to the Apple store or being left with a unusable piece of hardware. Thus, the argument of Johanssen (2018) is true in which he states that the power relationship between platforms and users is unequal. This is also noticeable in the way Google handles user requests around digital legacy, which has been shown to be a long and time consuming process. The digital intermediaries state that they are so strict because of privacy concerns, but it rather looks like an excuse to build a proactive system that actually works for living users and relatives.

This research is executed via a mixed method approach which is inspired by the walk through method and netnography. The benefit of this approach was that this thesis gave insight in the policies of the digital intermediaries, as well as the interaction of the relatives of deceased users with these policies. However, downside of this approach might be that there is a lack of direct feedback from users regarding the way they feel about social media platforms handling the digital legacy of their loved ones. It would be interesting to

directly interview them do understand the different phases they experience in dealing with the digital intermediaries in order to obtain better insight in the process they go through. The observations and interpretations I performed are interpreted with my own cultural western background as a researcher. This should be kept in mind. Another possible weakness of this research is that the analysis of the threads are based on a sample that I collected. I have not read all the threads that exist on the fora of Apple, Google and Facebook due to the limited amount of time I had for this research. Therefore the analysis is only an indication of the way the digital intermediaries handle the death of users, and should be understood as that. The results of this research cannot be generalized on other social media platforms such as LinkedIn and Twitter because each platform has its own policies. It would be interesting though, to analyze these platforms with the same approach in follow-up research to see how their modes of governance differ from the other intermediaries. Another interesting platform to analyze with a mixed method is gaming platform Steam, this is a platform full with digital assets like video games. Further follow-up research could investigate how the perception of the relatives about a digital legacy, changes over time from generation to generation. The way I perceive the inherited artifacts of my grandfather are different from how my father perceives them. It would be interesting to see if this is also the case for digital artifacts.

Taking all the results of this research into consideration it is interesting to think about what the future may holds. In an age where digitization is going fast and more and more of our assets change into digital artifacts it is a worrying thought that large tech corporations have so little attention for a fair execution of a user's digital legacy. Imagine the scenario in which I drive a Tesla, a car fully digitalized that is only accessible by me. Is it in the future still possible for my children to inherit this car? Or the increasing trend of opening devices or even smart houses with bio-metric features such as a fingerprint or eye scanner. Can these tech companies still ensure that in the sudden case of my death my children will still have access to my house, or garage? Or will they also be the victim of long complex procedures in which they need obtain a court order in America to access my assets. The agency around our digital legacy should be brought back to us, the users and should not be in the hands of these large corporate organizations. Or as Fairfield (2017) already argued, we will become peasants again. Peasants of corporations who give little about our legacy, but have the power to enforce us a new kind of legacy: a platform mediated digital inheritance.

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8. Appendix

Appendix A: Facebook interfaces to appoint legacy contact

General

Security and Login

Your Facebook Information

Privacy

Timeline and Tagging

Location

Blocking

Language

Face Recognition

Notifications

Mobile

Public Posts

General Account Settings

Name	Brandon Kwey	Edit
Username	https://www.facebook.com/brandon.kwey	Edit
Contact	Primary: brandonkwey@live.nl	Edit
Ad account contact	brandonkwey@live.nl	Edit
Temperature	Celsius	Edit
Manage Account	Modify your legacy contact settings or deactivate your account.	Edit
Identity Confirmation	Confirm your identity to do things like run ads related to politics and issues of national importance.	View

HomeUsing FacebookManaging Your AccountPrivacy and SafetyPolicies and ReportingSupport Inbox

Questions You May Have

What names are allowed on Facebook?

How do I choose what I get notifications about on Facebook?

Where can I find my Facebook settings?

How do I change or reset my Facebook password?

Why am I seeing an error message saying I can't reply to a

Reporting Abuse

Reporting a Problem with Facebook

Reporting a Privacy Violation

Hacked and Fake Accounts

Managing a Deceased Person's Account

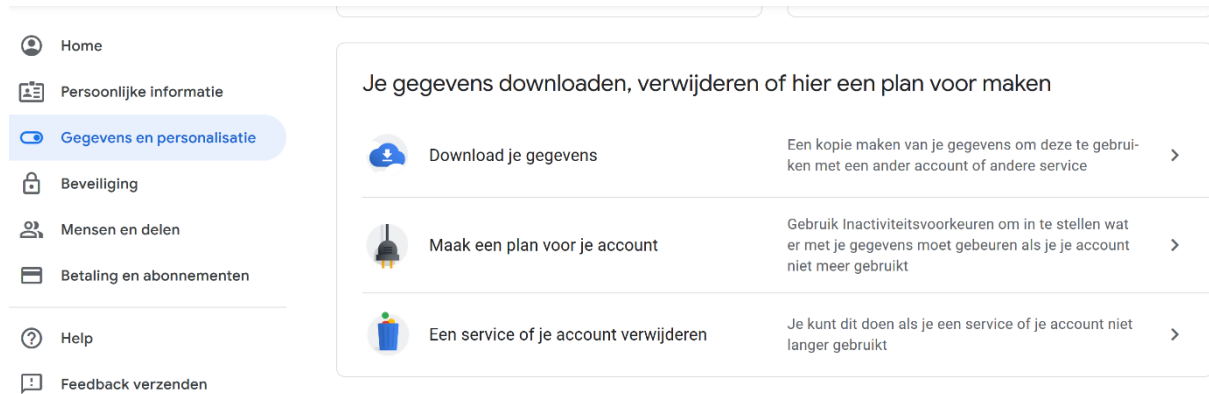
Uploading Your ID

Legal Removal Request

Intellectual Property

About Our Policies

Appendix B Google interface to appoint inactive account manager



Appendix C Links to the policies

Legal - iCloud - Apple

Type Web Page

URL <https://www.apple.com/ca/legal/internet-services/icloud/en/terms.html>

Accessed 19-3-2019 15:14:32

Language en-CA

Website Title Apple Legal

Date Added 19-3-2019 15:14:32

Modified 19-3-2019 15:14:32

- [About Inactive Account Manager - Google Account Help](#)

Type Web Page

URL <https://support.google.com/accounts/answer/3036546>

Accessed 19-3-2019 14:51:51

Date Added 19-3-2019 14:51:51

Modified 19-3-2019 14:51:51

Submit a request regarding a deceased user's account - Google Account Help

Type Web Page

URL <https://support.google.com/accounts/troubleshooter/6357590?hl=en#ts=6357586>

Accessed 19-3-2019 14:59:58

Date Added 19-3-2019 14:59:58

Modified 19-3-2019 14:59:58

- [Facebook Help Center](#)

Type Web Page

URL <https://www.facebook.com/help/386213028200223?helpref=related>

Accessed 19-3-2019 14:29:31

Date Added 19-3-2019 14:29:31

Modified 19-3-2019 14:29:31

- [Facebook Help Center](#)

Type Web Page

URL <https://www.facebook.com/help/1585126361706709?helpref=related>

Accessed 22-3-2019 12:09:44

Date Added 22-3-2019 12:09:44

Modified 22-3-2019 12:09:44

- [Facebook Help Center](#)

Type Web Page

URL https://www.facebook.com/help/386213028200223?helpref=popular_topics

Accessed 23-3-2019 22:19:12

Date Added 23-3-2019 22:19:12

Modified 23-3-2019 22:19:12

- [Facebook Help Center](#)

Type Web Page

URL <https://www.facebook.com/help/1597354833817144?helpref=related&ref=related>

Accessed 24-3-2019 15:21:04

Date Added 24-3-2019 15:21:04

Modified 24-3-2019 15:21:04

- Facebook Help Center

Type Web Page

URL <https://www.facebook.com/help/123355624495297?helpref=related>

Accessed 24-3-2019 15:21:23

Date Added 24-3-2019 15:21:23

Modified 24-3-2019 15:21:23

- General Account Settings

Type Web Page

URL https://www.facebook.com/settings?tab=account§ion=account_management&view

Accessed 19-3-2019 16:38:03

Date Added 19-3-2019 16:38:03

Modified 19-3-2019 16:38:07

- Hard Questions: What Should Happen to People's Online Identity When They Die? | Facebook Newsroom

Type Blog Post

URL <https://newsroom.fb.com/news/2017/08/what-should-happen-to-online-identity/>

Accessed 19-3-2019 15:26:36

Language en

Abstract It's difficult to know what action to take with the account of someone who has died.

Short Title Hard Questions

Date Added 19-3-2019 15:26:36

Modified 19-3-2019 15:26:40

- [How do I add, change or remove my legacy contact on Facebook? | Facebook Help Center](#)

Type Web Page

URL <https://www.facebook.com/help/1070665206293088?helpref=related&ref=related>

Accessed 19-3-2019 14:28:23

Date Added 19-3-2019 14:28:23

Modified 19-3-2019 14:28:23

- [I'm a legacy contact. How do I manage a memorialized profile on Facebook? | Facebook Help Center](#)

Type Web Page

URL https://www.facebook.com/help/828408313868251?helpref=faq_content

Accessed 20-3-2019 15:50:36

Date Added 20-3-2019 15:50:36

Modified 20-3-2019 15:50:36

- [My friend passed away and their account is no longer on Facebook. What happened? | Facebook Help Center](#)

Type Web Page

URL <https://www.facebook.com/help/1536234996615208?helpref=related&ref=related>

Accessed 19-3-2019 14:28:47

Date Added 19-3-2019 14:28:47

Modified 19-3-2019 14:28:47

- [Submit a request regarding a deceased user's account - Google Account Help](#)

Type Web Page

URL <https://support.google.com/accounts/troubleshooter/6357590?hl=en>

Accessed 19-3-2019 14:49:29

Date Added 19-3-2019 14:49:29

Modified 19-3-2019 14:49:29

- [What data can a legacy contact download from Facebook? | Facebook Help Center](#)

Type Web Page

URL <https://www.facebook.com/help/408044339354739?helpref=related&ref=related>

Accessed 19-3-2019 14:28:37

Date Added 19-3-2019 14:28:37

Modified 19-3-2019 14:28:37

- [What is a legacy contact and what can they do? | Facebook Help Center](#)

Type Web Page

URL https://www.facebook.com/help/1568013990080948?helpref=faq_content

Accessed 19-3-2019 14:28:29

Date Added 19-3-2019 14:28:29

Modified 19-3-2019 14:28:29

- [What should I do if a person who has passed away is showing in People You May Know, ads or birthday reminders on Facebook? | Facebook Help Center](#)

Type Web Page

URL <https://www.facebook.com/help/386213028200223?helpref=related&ref=related>

Accessed 19-3-2019 14:28:42

Date Added 19-3-2019 14:28:42

Modified 19-3-2019 14:28:42

- [What will happen to my Facebook account if I pass away? | Facebook Help Center](#)

Type Web Page

URL <https://www.facebook.com/help/103897939701143>

Accessed 19-3-2019 14:28:12

Date Added 19-3-2019 14:28:12

Modified 19-3-2019 14:28:12

