

Transcript of the episode of Privacy Studies Podcast: An Uneasy Relationship Between Post-mortem Privacy and the Law – Presentation by Dr. Edina Harbinja (Aston University, UK)

Hello, my name is Felicia Fricke and I am Natacha Klein Käfer, and you are listening to the Privacy Studies Podcast.

This season of the Privacy Studies Podcast follows the discussions of the symposium *PRIVACY AND DEATH: Past and Present*, which took place at the University of Copenhagen and online between October 12th and 13th, 2023. This event aimed to bring to the fore the discussions of what kind of privacy, if any, we have given to our dead in different cultural and historical contexts.

We will hear presentations by historians, archaeologists, sociologists, and other experts. Transcriptions of the episodes can be found on the Centre for Privacy Studies' website.

In today's episode, we will hear the presentation 'An Uneasy Relationship Between Post-mortem Privacy and the Law' by Dr. Edina Harbinja, Aston University, Birmingham.

Thanks very much for having me and I am delighted to be speaking with the very interdisciplinary audience. I must say that this is not the first time for me, so I don't just talk to the lawyers and legal academics all the time. I'm not sure if you've heard of the Death Online Research Symposium DOORS. That's also a community that hopefully some of you will join at some point. We are a community of humanities and social science researchers in death, everything about death and the digital. And we hold symposiums each year in different countries. So this year I think was the UK. The next year probably going to be in Finland, Helsinki. So if someone is interested, please do get in touch and I can share some more information. So most scholars in that community are also non-lawyers. So I don't really have too many legal scholars as colleagues. So hopefully this won't be too law-heavy for the audience. And if something doesn't make really sense to you, please do ask. Feel free to interrupt and also ask questions at the end. And if I can get the warning about five minutes before, just to see whether I am on track.

So as Felicia has kindly introduced me, whether for those of you who don't know the weird UK academic titles, I'm basically associate professor and it's a peculiar title in the UK academia. And I've been working in this space for now 13 years. So since my master's and the beginning of my PhD, this has been one of my central research trends: digital assets, digital legacy, and post-mortem privacy. And my PhD also discussed all of these, all of these topics. And I developed a theory of post-mortem privacy, a legal theory of post-mortem privacy, and some law reform proposals that I will mention today as well. So I've been active for quite some time. Well, from my perspective, at least in, in this area, and, uh, it really is something that I am very enthusiastic about.

So what I'm going to present is sort of a broad perspective and the development of this journey over the past number of years, uh, the development of my thinking, but also some of the recent research that I've been doing with some colleagues within different projects. And as you can see, it is about this very difficult and complicated relationship between the law and post-mortem privacy. And I know that your own disciplines of course, have your own, uh, complexities and, and relationships with, with the post-mortem death and privacy, but the law has a very, very special and, uh, often, often uneasy, as I called it here, uh, relationships. So I'm going to talk a little bit about how I conceptualize post-mortem privacy in my sort of, from my legal theoretical background, again, trying to be as, um, understandable

as possible. So hopefully that will be, that will be fine, but again, uh, please do ask questions and then I will show you little snippets of laws around post-mortem privacy.

I had a, a law heavy, uh, presentation that, um, initially when I created it, and then I took out a few slides where I did a comparison between different laws, uh, across the world. So I kept it just, just the most important examples or those that you may find, uh, interesting and good for, for, uh, the purpose of illustrating this tension between the law and post-mortem privacy. And of course we can't really leave out technology and technology is also my broad research area. And when I, when I discuss post-mortem privacy, I do always discuss it from the perspective of technology, uh, and law and the regulation of technology. Uh, and then I'll also show some very recent - some of them unpublished, so please don't quote me on these yet Uh, it's a work in progress this empirical research. We're just submitting a couple of journal articles, uh, and where we looked for empirical evidence around the attitudes and behaviors and perceptions of, of post-mortem privacy. And this was very interesting for us because, uh, we often get questions. So when I talk to legislators and policy makers, they always want data and, and in the UK and I'm sure elsewhere in particular quantitatively. So what is, uh, and, and I know that a lot of researchers here will probably embrace or prefer other research methods, but, uh, we decided to compliment some of our, some of our methodology and the primary legal method of trying theoretical with some of the empirical data within a project that we've recently done. And finally, I will be looking at some of the potentially upcoming law reforms at the European level and elsewhere. And to demonstrate that there is some movement in this area, that it's not all as uneasy as it might seem from the start of my talk.

So the concept of postmodern privacy, how I conceptualize it in my work, and of course, all of us will have our own disciplinary conceptualizations. But for me, one of the first definitions that we introduced, Professor Lillian Edwards and I, was that postmodern privacy is the right of a person to preserve and control what becomes of his or her reputation, dignity, integrity, secrets, or memory after death. So it's a very broad conceptualization. So especially from a legal perspective, privacy is challenging, and to conceptualize postmodern privacy in such a way means to conceptualize it very, very broadly, to encompass all of these values and concepts that the law does not always include in a very narrow conceptualization of privacy, such as, for example, dignity here, that is often being a little bit challenged and questioned in legal theory. But other values such as secrets and reputation have a much easier and more natural relationship with the legal conceptualizations of privacy.

In terms of the narrow definition of postmodern privacy, we're here looking at what we call informational privacy or the protection of personal data, and that is often much more acceptable or understandable for especially legislators and policymakers. For certain disciplines Data protection is ubiquitous. It's something that people can relate with and non-academics in particular. So when I conceptualize the broad definition of privacy that I've introduced, I also, in my work and in the book that I will show you at the end, make links with the postmodern extension of autonomy that is seen in testamentary freedom. So my argument goes that if the deceased has the right to dispose of their wealth or their property postmortem, they are exercising a certain level of autonomy. So it's not just a commercial interest that they're transferring. They are actually utilizing some form of control and autonomy. And I argue that this control should be even more present when we discuss highly personal digital assets, personal information, identity-related aspects of one's personhood, that should attract a similar level of control or similar tools in law that in most jurisdictions it doesn't. And I will talk about

that very broadly. Of course, there are certain areas of law that protect aspects of postmodern privacy defined in such a manner, but in most cases, this is not the case.

And then further, in my research, I venture into something a little bit, even more experimental for legal scholarship and not as experimental for social science or humanities, where I talk about postmortem privacy. And postmortem privacy builds on the work of, well, a Danish professor, Jakobsen, and his seminal work and the book of Postmortem Society and Immortality. And not just that book, but other work in the area around immortality and the types of immortality, such as Brown's Four Pathways to Immortality and Immortality by Proxy to Technology. Here's where I find some conceptual and theoretical rooting for the legal conceptualization of postmortem privacy. And that concept would protect informational bodies. So informational bodies, as Professor Luciano Floridi defines it in his work: so the body that consists of identity-related aspects of the self. The information, that is again mediated and curated in technology so that the person, then, within this, or through this informational body continues to exist by proxy in technology as Brown conceptualizes it.

And I argue again in this concept that I propose is that the law again should protect aspects of immortality in inverted commas that, in certain and limited form, of course, I'm not arguing and I'm not making this bold statement, statement of a full-blown immortality or immortality in any sci-fi concept. But I think that the limited aspect of immortality that is mediated through technology should attract and deserves a form of legal protection. And that now is even more apparent if we think about the developments of AI, generative AI, large language models, and all the services that have become more visible to the public and researchers. So this is just a representation of my thinking. So this post-mortem privacy is still underpinned by values of privacy, dignity, autonomy, integrity, but now embraces further thinking about the informational body, post-mortem immortality by proxy and builds on the initial conceptualization of post-mortem privacy. So I hope I haven't confused you too much with this or that it does make some sense to you. And I will explain what I mean when I said that this should attract some form of legal protection in the next, well, in the further part of time, maybe not the next one, but as the talk progresses. So that's just a snapshot of the conceptualization.

Let's now take a look at some illustrations of the law and technology in this area of post-mortem privacy. And I did say that I won't bore you with too much law, but I do have to bore you with a little bit. And in particular, with the European Convention of Human Rights and Article 8, the right to private and family life and the jurisprudence of the European Court in Strasbourg, that the UK is still part, I'm saying still, because there have been continuous attempts by certain parties to exit the Council of Europe and also leave the convention, which could be a terrible idea in my view, but okay, let's leave politics aside. The European Court of Human Rights have considered aspects of post-mortem privacy, privacy of the deceased, in various cases, and there is a, well, not as strong, there isn't a volume of cases that you would find in other aspects of privacy, of course, because this is still a niche area for the courts in all the countries and as well as the European level, but again, one of the landmark cases concerns Denmark, so here we are. I keep mentioning Danish links here, not because I'm here, but because this is really important. And this was one of the cases where the court considered whether... So the facts of the case revolved around the exhumation and paternity case and whether DNA of the deceased could be used to establish paternity or not, in brief, very, very broadly. So the question was, of course, there was a complaint and a claim that the deceased's privacy would be violated in such a manner, therefore the claim went all the way to the European Court of Human Rights, an Article 8 violation, and unsurprisingly, as in other cases in this court, the court found that it settled case law,

that an individual had rights under the convention even after death, but rights very generally, okay, not Article 8: the right to privacy. But you can see that the court then went on to establish that it will stretch the reasoning developed in this case, well, too far to hold the case like the present one, DNA testing on a corpse constituted interference with Article 8 rights of the deceased's estate. And again, it was about the right of the deceased's estate rather than the deceased person itself. So the court, again, is referring to an established legal tradition and jurisprudence in this area, not wanting to be far much from what was already decided. And the court has never decided on a case in which part of the family life of the deceased could be protected after his death of the deceased themselves. So in some of the cases I mentioned here, the familial post-mortem privacy was protected indirectly. So surviving family members' privacy could be violated through the violation of the memory of the deceased, for example. So in that way, Article 8 could be triggered there, but not directly for the protection of the deceased's privacy and private and family life themselves. So that's quite interesting. This could change. The court practice does and jurisprudence does evolve, but for the European court especially, it's very, very slowly. So it is a slow process, and we'll see what happens there.

In terms of the protection of personal data after death and data protection, we've all heard of GDPR, General Data Protection Regulation, like it or not. The GDPR does not apply to the data of the deceased person. So GDPR, in other words, does not really protect informational post-mortem privacy so the personal data of the deceased. So GDPR itself. However, it did leave some room for member states to legislate in this area and provide for certain forms of protection, extension of data subject rights, such as, for example, the right to access data, the right to deletion, and others. And most member states have decided to provide such a protection, including Denmark, including many, many other member states, and there's research and data survey on what these protections mean. And Professor David Erdos from the UK has done work in this area, and I could point you towards that research if you're interested. But basically, the take here is that personal data is not protected post-mortem at the EU level, but in GDPR there are very divergent practices between those, between member states who decided to extend protection to the deceased data. And I don't think that's a good idea because it creates quite a piecemeal, divergent, incoherent regime when it comes to the protection of personal data of the deceased in the EU. The UK is different. It defines personal data as the data of the living individual in the Data Protection Act. So absolutely excludes deceased from any protections of data protection in the protection regime. So that's a personal data law, data protection law and the protection of personal data.

This is something that I have to show because it is relevant. But it's also perhaps there's too much detail for me to be able to explain this in this particular talk. So again, I'll just give an idea and the relevance and the links with post-mortem privacy here. So when we talk about post-mortem privacy, we cannot disregard the concept of digital legacy or digital remains because they're intertwined and post-mortem privacy has an effect on whether and to what extent. This digital legacy can be disposed off and be transmitted or should or should not be transmitted certain aspects of those digital remains. So in the initial conceptualizations, we all call them in legal scholarship digital assets, but we then thought, well, this does not include all the other remains of the deceased in the digital world.

So that was expanded with Professor Bernhardt and Dr. Morse to conceptualize as digital remains that include personal data, any monetary assets that were traditionally digital assets and data, metadata, so the data about the digital wealth or the personal data. So that was a more acceptable definition and a more acceptable concept. When we discuss what post-mortem privacy industry means, we now

often refer to those. And we of course exclude what is proprietary on the internet, which is the infrastructure of the post and any IP interests. So we're just talking about this content layer where the deceased's remains are present. So why do I mention this? Well, I mentioned it because there have been these more or less recent attempts to regulate digital legacy and digital assets and lawyer often use, especially in legal texts, policy and law, just those terms. And we have categorized those attempts into four categories. The first one is patrimonial or succession regimes. Those are the countries that have opted to use traditional succession law to apply to digital remains. And they have said that, um, that the heirs step into the shoes of the deceased and they inherit everything, including personal assets, including accounts. And there was a famous German case that some of you might have heard of in 2016, where parents were able to access Facebook accounts of their daughter because of this principle of universal succession. So that's patrimonial succession regime that I don't really support personally and criticize that decision. Uh, other, other examples that you can see there that I promise not to go in detail about. And the second one, quasi property regime, Estonia, that is sort of similar to the IP, uh, with a time limit on what can be protected and, and, and to what extent. And then there is the post-mortem privacy regime that, that we, um, that we have found or we labeled it post-mortem privacy regime, even though neither of these regimes mentioned Post-mortem privacy explicitly at all. So it's, it is our, our view of how they protect, uh, digital remains. So France and US. France in digital public side, United States in the rule father, uh, revised uniform fiduciary access to digital assets act, a nice name. Um, so they have, uh, in different forms and the very different legal traditions, as you can imagine from common law and civil law. Uh, different privacy traditions, completely divergent privacy traditions. They have opted for a similar solution in, um, in the area of, um, giving the deceased option to dispose of their digital remains to technology. So if you left a direction in technology, say in Google, inactive account manager, Facebook or Apple legacy Contact or something similar that in principle would be recognized. And now there are technical issues for this, of course, but in, in those, in those solutions. The problem with the us solution is that it is a uniform law, so not the federal law, it's just the law commissions, uniform law that needs to be adopted, uh, by, by the, the States. And most of them have adopted some, some form of rule father in their own, uh, state legislation. So that's an interesting phenomenon, uh, and I've discussed that in quite a lot of my papers. And this is the link between post-mortem privacy and digital assets and digital legacy and remains because these statutes, they call them digital assets. They call them digital content or metadata, digital legacy. They never use the word or the concept of post-mortem privacy at all. So just a disclaimer there.

No response. So data freedom is what we call for, for England and Wales, uh, because of course, Scotland has different succession and property regimes. So just again, more confusion from, from the legal side, but, uh, this is to say that there's virtually nothing in England and Wales, uh, when it comes to the regulation of either personal data of the deceased or, uh, digital legacy or post-mortem privacy. So that's the categorizations.

Germany, uh, the case that I mentioned, uh, I won't go again. I won't be explaining details, just showing, uh, the facts about, about the case. If someone is interested, uh, we can talk about that later. Uh, so the federal court in essence, they departed from, uh, from the court of appeal. The court of appeal had a more post-mortem privacy, um, favoring stance saying that you shouldn't be able to inherit and access very personal accounts and personal communication due to some of the telecommunications laws that prevent disclosure of personal communications, which Facebook account is concerning, you know, the messenger and all the communications on that account. But the federal court disagreed and attracted a lot of criticism.

America, I mentioned as well, so there were some, well, in this space, at least, very old cases in the space of the legacy, the first one there was the Ellsworth case, and then there have been some other significant cases. And again, mind you, this is all state by state basis in the U.S. It's all very divergent within the U.S. There isn't a federal law that would harmonize that. But what is interesting there is those provisions of Rule Father and state legislation that is based on Rule Father is that online tools such as legacy contacts and others would trump deceased will, even, interestingly. And then the deceased will would trump standard terms and conditions if those terms and conditions did not include online tools like a lot of online services. They wouldn't have options for the disposition of the accounts post-mortem. But if they did, those would trump even the will. And that's very interesting for all kinds of legal and non-legal reasons that, again, we can discuss.

So I mentioned those, and I'm sure most of you have probably heard of those. Is there someone who hasn't heard or hasn't come across these services? Okay, so most of you know. That's good. Well, we are the community today. There is some empirical data about your regular users' encounters of those technologies and usage. So Facebook has a very long tradition, again, long in the context of technology, not long in the context of most of your work in archaeology and history, but in this area they have developed policies over a number of years including memorialization, like I said, and the options for deletion that has been changing quite a while, and I've been involved in their work and consulted and spoke to them in San Francisco at some point. So I think it's a decent example. We can criticize Facebook and Meta on many different grounds, including content moderation and their practices and misuse of data, etc., etc. But in this area, they've done more than most other companies. Google was the first to introduce an active account manager and that's also an interesting solution. And Apple's legacy content was the most recent introduction. And again, I can't give you data, unfortunately, on the usage of those from the company's perspective. I've asked them many times, they don't want to share the data for obvious reasons, more or less obvious reasons. But privately, they did say, and I know this is being recorded, but they said that these tools are basically not used almost at all. So the percentages are in single digits pretty much, of those users. And we've written and we've spoken, me and my colleagues, about that a lot. And of course, as you know, these are not being advertised. And death is not a very popular topic to be advertised to users if you want to sell them services and, you know, social interaction and beauty and life and whatever you want to sell them to the social media. So, you know, that is one of the major reasons why users haven't thought about it. They're not aware. And there is data about user awareness that I will show you shortly. So that's technology.

I've mentioned empirical evidence that we then tried to find, well, at least in a limited area, at least for the UK. So we haven't really surveying, unfortunately, the EU. So if someone would like to work and propose a project with me to Horizon or somewhere in the EU, we can try and do something there for Europe. But so we were funded, Professor Edwards and I, within a larger project of post-mortem privacy by the Liverpool Trust in the UK. And our study included qualitative and quantitative, so in the qualitative study we interviewed stakeholders to find out about their practices around digital legacy and post-mortem privacy. So this is the file that's not published yet. So you can please don't cite me yet until or cite us yet - The paper will be written by Professor Edwards, Dr. McVey and myself - But these are the findings. So we wanted, the initial idea was to interview legal professionals primarily. So lawyers, solicitors, barristers in the UK who work in this area, but also those who don't necessarily work, but should be. So succession, trust and probate, and also those active in the digital privacy and similar areas. And we also wanted to interview the tech companies. And we did have connections.

However, the major ones, the main ones refuse to talk about that. Even though I did speak to Google and Facebook in 2012 about that when they were thinking about introducing services. Now in this, in this more recent study, so we finished this as we finished interviews in 2021, they refused to talk to us, all of them saying that, well, either this is not a priority area for them anymore, they don't have anything new to contribute, the teams have moved from that task to another. And that's often the case in tech companies that, you know, a team is assigned a burning issue to solve. And in the, in the case of Facebook, for example, burning issue was that a Facebook employee's family member died. So they thought they should do something about the deceased family. It's always like that. And then the team has been given a different task. So they're not really considering this anymore. So they didn't want to share their insights. So basically we didn't have success with interviewing tech companies. We did have a lot of success with interviewing the legal professionals and found some really interesting, interesting findings in those interviews, semi-structured interviews. We also interviewed a UK communications regulator, and found again, interesting things there for us, and also professionals entrepreneurs in the digital estate space, not lawyers necessarily, but a broader sort of digital estate professionals or entrepreneurs in the area.

So these were the main themes that we found amongst, so again, the data is mostly about the legal profession, because given, given the sample, given the numbers of the legal professionals we interviewed, they talked about the lack of awareness, both within the professional community, really the lawyers, but also their clients. So this lack of awareness is discussed in our, in our paper from those two perspectives. And it is a significant finding as we expect. We did expect of course, to find the lack of awareness and the lack of practice there.

We also considered taxonomies and conceptualizations. So legal lawyers were confusing these concepts. So even they were unclear as to what is the boundary between privacy and property in digital legacyP what is postmodern privacy? Very few of the could answer those questions or have thought about it, or read about those conceptualizations, but they did find it interesting and you know, I guess it sparked a little bit of a discussion when we talked to them in the interviews.

All of them reported problems with platforms and technologies as we all probably know so the problems with access, accessing accounts, ad hoc or techno-solutionist approach, prohibitive terms of service etc. all of that created big issues in in the legal profession and their work.

And then what we called a theme limitations of current practice, limitations of professional practice, included the lack of legal files: they don't know what to advise their clients on when it comes to assets because there isn't a clear law or legal principles and provisions to refer to. So they are also wary of their liability, professional liability, there is the money involved in that. As well uh there's a problem of course with access to justice and costs around that.

Jurisdictional differences in the cases where the deceased's estate is spread uh around the world and that's quite a common case especially when it comes to the digital legacy and digital remains

And finally, our theme of change included COVID-19 came out as a significant finding where it drove the industry to think and consider this more to come up with some perhaps more creative practices, but also legislators who have started to consider digital SNS and other wills. In terms of change what we found, well, as overwhelming response was that in the UK the legislative (unclear speech) was made to clarify this border legal profession primarily or a test case of a high profile because of the nature the legal system of common law. So we needed a Naomi Campbell of the digital remains

(unclear speech).. very interesting case that changed privacy law in the UK in the house of lords. So we need that for post-mortem privacy and digital legacy as well to clarify some of that and establish a legal precedent.

Okay, so moving on to the quantitative study that we did even more recently, so this June and again, work in progress in terms of publications. We wanted to survey UK users, individuals, residents on their perceptions of post-mortem privacy and digital remains. And we had, as you can see, 1,760 respondents. So that's the sample, trying to be as representative as possible when it comes to the UK regionally, gender-wise, age-wise, etc. And we asked different questions around their behaviors and perceptions of the six main platforms or services. You can see personal email, workplace email, social network sites, online cloud sources, dating sites, and crypto wallets. We also asked them, so to what extent, of course, they use those. And then we asked about their behavior and the options that they've activated or not when it comes to the faith of those post-mortem. So we asked whether they've given informal access to anyone. So password, which is technically illegal because you can't impersonate anyone. You shouldn't be sharing your password to your family members. A lot of us do, some don't. But we asked about that and the findings are significant. A lot of people do share. A very high percentage said that they were sharing passwords. We also asked about awareness of online tools for managing access, such as legacy contacts in active account managers. Of course, found that minority have awareness of those and have tried to use those services. And then we also asked about their preferences regarding access. So questions about to whom would they leave any or all or some of those some of those accounts is that their spouse, their parents, their children, their families, etc.? And we also asked them to comment on 13 statements about privacy. So to establish to what extent they are concerned about privacy more generally and then about post-mortem privacy and whether they see it as an aspect of their identity, dignity and privacy and the findings were really, really interesting. I can't show you all the findings, but I must say that most of the findings have confirmed what we anecdotally knew or what we assumed over the years in our experience and in the assumptions and interactions with the people. So you can see that.. so this is one of the summaries of our findings. So I'll just show you a few graphs. 58 percent of our respondents said that they would grant access to all digital remains. And this to me, this was a slightly surprising finding or maybe I didn't hope that we would find this. Again, researchers' assumptions and prejudice, but I hoped that we would find that, you know, less people want to grant access to all the names, but, okay, this is my post-mortem privacy fundamentalist stance. Only 16 percent said that they would deny access to all digital remains. Well, again, questionable. And we have a mixed approach, what we call the 26. So that means allowing access to some of those six categories of accounts, which is what was in the focus of our study and could be seen, of course, as a limitation to the study as well, because we only asked about those, but there's only so much you can do in a survey like that.

In terms of informal access, you will see, again, some interesting findings here. So we asked: in case you're unable to access your online accounts and specifically accounts that I mentioned, who other than you knows your passwords or has access to your accounts?

Informal access to all main platforms, 18 percent. Not a major percentage.

Informal access to some main platforms, 23 percent.

And no informal access, sorry, no informal access to main platforms that we investigated, 59 percent, the majority did not share passwords for all of those accounts that we discussed.

And yet they wanted to grant access to all of them. So it's really interesting. So it shows two things. First is this, what we called and what Professor Verhoek and Dr. Morris called Post-mortem privacy paradox so individuals say they care about post-mortem privacy and yet they do nothing to protect it. It's similar. It's an analogy to privacy and the privacy paradox. And also the inverted post-mortem privacy paradox, where individuals say that they do want to give access, like, as you can see here, 58, yet they do not do much to enable this access. And of course, this is with a caveat that it is the only way for them pretty much to allow the access to the accounts to informally give passwords. Because for most of those assets, there's nothing else you can do apart from that, because then you will be prevented either by the terms and conditions or the laws to lawfully and legitimately provide that access. So this is within the confines of that of that environment that we are in.

So that is what we, again, having explained post-mortem privacy by this very briefly. You can see there what we looked at in terms of informal access to all, no or main and then whether our respondents will grant access to these two remains, to some of them, or all of them.

So when we say there was no paradox, that means that either there was no informal access and they didn't really want to leave their accounts to anyone. So there wasn't the paradox at all. Or there was informal access and they wanted to grant access. Again no paradox, their behavior matches their wishes. But what we found was a significant inverted post-mortem privacy paradox, as you can see here: 62.6%. And we found a small post-mortem privacy paradox within our sample, again, 7.8%. And we couldn't establish an entirety with 5.2% of our respondents. So this is interesting and it is.. Our results and findings are similar to a similar study conducted in Israel, a few years ago, again, around the same question on post-mortem privacy paradox and inverted post-mortem privacy paradox.

And I don't think it's very surprising, but it is significant that we could establish that and evidence that on, well, a much larger sample than the previous studies and we would argue a very representative and a quality sample. So this is the data that we will quite happily use to support some of our reform proposals.

So I'll just wrap up if I may. Yes. Okay. Just 30 seconds.

What we suggest based on our discussions. When I say we, I mean, myself and my project, the project team and colleagues that I work and write with, and I mentioned some of those names, is that there needs to be an EU wide approach in this area of digital legacy, digital remains and post-mortem privacy. And there is some movement, I must say, I will inform you that I'm one of the project leads for the European Law Institute's project on creating and drafting model rules for digital succession and digital remains for the EU. We just started the project. It will take about two years. It includes five colleagues from Switzerland, Italy, Poland, Hungary, and myself. And we're hoping to produce some clarity and proposals, whether the EU will be in this or not is the question. Then tech solutions are quite risky and they, again, require legal clarity. There is a huge role of legal professions such as professional associations to guide the professions and provide some tools and perhaps toolkits. And one of the ideas in the tech arena was to include a social media executor or for the emerging bots of the deceased, as we call them, close bots. I do not bot me close in a whale. That's another suggestion that we had. And then finally, that again, in service solutions that we saw, legacy contacts need legal recognition or some consideration of the law otherwise, they conflict with a lot of the laws. The ideas for some third party certified services that, again, would require legal recognition to be able to be

used by the individuals. And then postmortem privacy, hyper-humanization, not just within the EU, but potentially Council of Europe and the role of the European Court of Human Rights in this area.

So references and my book that was published last year resulted from my Ph.D. and have some contact with them to follow back and follow up. I have a lot of information there. So thanks very much for your attention and I'm sorry if I've taken too much time.

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