



Ohio Revised Code

Section 2137.05 Procedure of disclosing digital assets.

Effective: April 6, 2017

Legislation: House Bill 432 - 131st General Assembly

(A) When disclosing digital assets of a user under this chapter, the custodian may, at its sole discretion, do any of the following:

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

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

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

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

- (1) A subset limited by date of the user's digital assets;
- (2) All of the user's digital assets to the fiduciary or designated recipient;
- (3) None of the user's digital assets;



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