



Ohio Revised Code

Section 2137.06 Disclosure of content of electronic communications of deceased user.

Effective: April 6, 2017

Legislation: House Bill 432 - 131st General Assembly

If a deceased user consented to or a court directs disclosure of the contents of electronic communications of the user, the custodian shall disclose to the personal representative of the estate of the user the content of an electronic communication sent or received by the user if the personal representative gives the custodian all of the following:

(A) A written request for disclosure in physical or electronic form;

(B) A copy of the death certificate of the user;

(C) A copy of the letter of appointment of the personal representative, the entry appointing a commissioner under division (E) of section 2113.03 of the Revised Code, or the entry granting summary release from administration under division (E) of section 2113.031 of the Revised Code;

(D) Unless the user provided direction using an online tool, a copy of the user's will, trust, power of attorney, or other record evidencing the user's consent to disclosure of the content of electronic communications;

(E) If requested by the custodian, any of the following:

(1) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;

(2) Evidence linking the account to the user;

(3) A finding by the court that one of the following applies:

(a) The user had a specific account with the custodian, identifiable by the information specified in



division (E)(1) of this section.

(b) Disclosure of the content of electronic communications of the user would not violate 18 U.S.C. 2701 et seq., as amended, 47 U.S.C. 222, as amended, or other applicable law.

(c) Unless the user provided direction using an online tool, the user consented to disclosure of the content of electronic communications.

(d) Disclosure of the content of electronic communications of the user is reasonably necessary for administration of the estate.
