

WEST VIRGINIA CODE: §44-5B-8

§44-5B-8. Disclosure of other digital assets of deceased user.

Unless the user prohibited disclosure of digital assets or the court directs otherwise, a custodian shall disclose to the personal representative of the estate of a deceased user a catalogue of electronic communications sent or received by the user and digital assets, other than the content of electronic communications of the user, if the personal representative gives the custodian:

- (a) A written request for disclosure in physical or electronic form;
- (b) A certified copy of the death certificate of the user;
- (c) A certified copy of the letter of appointment of the representative; and
- (d) If requested by the custodian:
 - (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) An affidavit stating that disclosure of the user's digital assets is reasonably necessary for administration of the estate; or
 - (4) A finding by the court that:
 - (A) The user had a specific account with the custodian, identifiable by the information specified in §44-5B-8(d)(1) of this code; or
 - (B) Disclosure of the user's digital assets is reasonably necessary for administration of the estate.