COMPARATIVE TABLE

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Summary table of European regulations

What happens to personal data and digital assets upon death, country by country

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	Regime governing what happens to personal data upon death	Regime governing the transmission of digital assets (having economic value)	Role played by the notary in digital transmission	Notarial platform for the management, storage and transmission of digital data
European Union	Recital 27 of Regulation (EU) 2016/679 on the protection of personal data provides that "the regulation does not apply to the personal data of deceased persons. Member States may provide for rules regarding the processing of personal data of deceased persons".	The devolution of digital assets depends on the law applicable to the succession, as defined by European Regulation No 650/2012 in the States participating in the regulation.		
COUNTRIES WITH LEGAL PROVISIONS or CASE LAW REGULATING WHAT HAPPENS TO PERSONAL DATA UPON DEATH				

	Regime governing what happens to personal data upon death	Regime governing the transmission of digital assets (having economic value)	Role played by the notary in digital transmission	Notarial platform for the management, storage and transmission of digital data
France	**Act No. 2016-1321 of 7 October 2016 for a Digital Republic.** • **Principle of extinction** of rights over personal data upon death; • **Unless** the deceased had given advance directives concerning access to those data, their retention, their erasure, disclosure, etc. [1] In the absence of advance directives given by the deceased, the **heirs** may request **restricted access** to the deceased's accounts, provided that they concern the organisation or settlement of the succession, the deletion or updating of the user account, or are akin to family memories.	Ordinary legal regime (follows the classic devolution of the estate)	Yes Planning (help with drafting advance directives…)	No
Germany	• No specific legislation • But there is important **case law** laying down a **principle of survival** of rights over personal data and of **transferability to the heirs**. The **Federal Court of Justice in Karlsruhe (Bundesgerichtshof)** [2] delivered a landmark decision in 2018 allowing the heirs to access the Facebook account of a deceased person, treating the user contract of a social network like any other asset of the estate (in other words, the Facebook account would be transferable to the heirs like any other contract or document). • **By way of exception,** agreements may provide that the rights or contracts are not transferred to the heirs, but the corresponding general terms and conditions are without effect.	Ordinary legal regime (follows the classic devolution of the estate). *The heir or heirs automatically become owners of all digital assets, whatever their content (professional, personal).*	No	

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Italy	**-Art. 2-terdecies(1) of Legislative Decree No. 196/2003** makes it possible to obtain – in accordance with Art. 15 of the GDPR – access to all the data of the deceased "stored" by the controller. **-Under the Act of 10 August 2018, No. 101:** • **Principle of survival** of the data subject's rights after death • **Unless** the deceased expressly prohibited the post mortem exercise of his or her rights by his or her successors in title, by a written declaration communicated to the controller of the personal data. *(Court of Bologna, Section I, order of 25 November 2021)*	Ordinary legal regime (follows the classic devolution of the estate)	Yes The National Council of Notaries has presented a short guide to the legal regime of "digital inheritance": https://www.notariato.it/it/notariato/eredita-digitale/	No
Spain	**Organic Law 3/2018 on the Protection of Personal Data and the guarantee of digital rights (Art. 96 of the LOPDDGDD) and Art. 2 of the Código de la Privacidad.** • **Principle of survival** of the data subject's rights after death: the heirs or other authorised persons may access the digital accounts and personal data of the deceased, amend them or delete them. • **Unless** the deceased expressly prohibited it during his or her lifetime (in a will, for example).	Ordinary legal regime (follows the classic devolution of the estate)	Yes *The most practical way of managing digital inheritance is to include specific instructions concerning digital assets in an open, notarial will. This ensures that the heirs know how to act and that the wishes of the deceased are respected.*	No
Catalonia (Spain)	**Art. 411-10.6 CCCat** • **Principle of extinction** of personal data: in the absence of provisions made by the deceased, the wish for the digital profiles to be deleted or extinguished is presumed. No tacit authorisation of management by the heirs. • Possibility of appointing a "digital executor".	Ordinary legal regime (follows the classic devolution of the estate)	yes	No

	Regime governing what happens to personal data upon death	Regime governing the transmission of digital assets (having economic value)	Role played by the notary in digital transmission	Notarial platform for the management, storage and transmission of digital data
Portugal	**Law No. 58/2019 of August 8** (*Ensures the implementation, in the national legal order, of Regulation (EU) 2016/679 of the Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.)* The rights provided for in the GDPR relating to personal data of deceased persons, covered by the previous paragraph, namely **the rights of access, rectification and erasure, are exercised by whomever the deceased person has designated for this purpose or, failing that, by their heirs**. **Data subjects may also, under applicable law, specify the impossibility of exercising the rights referred to in the previous paragraph after their death.** • In other words: • **Principle of survival of rights:** the heirs may access the digital accounts and personal data of the deceased; • **Unless** the deceased expressly prohibited it during his or her lifetime or designated another person to exercise those rights.	Ordinary legal regime (follows the classic devolution of the estate).	Yes *On the same terms as the other assets of the inheritance*	No

	Regime governing what happens to personal data upon death	Regime governing the transmission of digital assets (having economic value)	Role played by the notary in digital transmission	Notarial platform for the management, storage and transmission of digital data
Georgia	• Existence of a regime that strictly regulates access to the personal data of the deceased: *The **Personal Data Protection Law** contains an explicit rule concerning deceased persons. Article 8 of the Georgian law on personal data protection **allows the processing of a deceased person's personal data** (a) on the usual legal grounds, (b) unless close relatives have prohibited it, (c) after a period of 30 years from the death, or (d) where this is necessary to exercise succession rights. This means that relatives and estate administrators have clear legal channels, but also limits* [3] .	*Georgia has rules governing what happens to a person's digital data after death, but there is no single law on the "succession of digital assets" that overrides the ordinary rules on succession and data protection. The outcome is determined by a combination of (1) the Civil Code (succession law), (2) the Georgian law on personal data protection and (3) other sectoral laws (for example, electronic communications).* *Succession is governed by the Civil Code. Property (in the broad sense) passes to the heirs under the Civil Code, either by will or by statutory succession; this framework applies to all assets capable of being inherited. If a digital asset has proprietary or economic value and can be transferred, the rules of succession apply. However, digital assets, such as social media accounts, cryptocurrencies and digital files, are not explicitly mentioned in Georgian legislation* [4] .	Yes. *In Georgia, the role of the notary in digital inheritance is indirect but important, depending on how the digital assets are classified and transferred. As indicated, there is no separate law on "digital inheritance" in Georgia. Consequently, the ordinary rules on succession laid down in the Georgian Civil Code apply, with the notary acting as the central authority responsible for supervising the succession process* [5] *. Since "digital assets" (emails, social networks, crypto wallets, online accounts, digital property rights, etc.) are not excluded from the definition of property, they may form part of the estate.* *The notary's involvement then depends on the nature of the asset: in the case of digital financial assets (cryptocurrencies, digital wallets) that are identifiable and inheritable, the notary records them as estate assets and may certify their transfer to the heirs. However, practical access (private keys) must be arranged by the heirs themselves; the notary cannot override the laws on confidentiality or data protection. The law on personal data protection (Art. 8) limits the processing of the data of deceased persons, unless it is necessary for succession purposes. The notary does not obtain the passwords or private keys: the heirs must provide them or obtain access by lawful means. Platform policies (Google, Meta, Apple, etc.) often require a court decision or an official certificate of inheritance issued by the notary in order to release account data* [6] .	No. *No electronic notarial system yet directly manages "digital estate transfers", although digital signatures and electronic notarial systems (in accordance with the law on notaries) can be used to formalise declarations* [7] .

	Regime governing what happens to personal data upon death	Regime governing the transmission of digital assets (having economic value)	Role played by the notary in digital transmission	Notarial platform for the management, storage and transmission of digital data
COUNTRIES WITHOUT SPECIFIC REGULATIONS				

	Regime governing what happens to personal data upon death	Regime governing the transmission of digital assets (having economic value)	Role played by the notary in digital transmission	Notarial platform for the management, storage and transmission of digital data
United Kingdom	No specific regulation	***The UK is actively working on legislation*** *(in particular the Property (Digital Assets etc) Bill) which will make a meaningful difference to the transfer of digital assets on death. But no comprehensive statute yet resolves all categories of digital data/accounts (email, social media, cloud files, etc) across all providers and underlying rights of access. So in practice, estate planning remains important to ensure the testator's wishes are carried out, ie list accounts, passwords, legacy instructions, and nominate who should be the "executor" for digital data.*	No	No
Andorra	No specific regulation	Ordinary legal regime (follows the classic devolution of the estate).	Yes	
Armenia	No specific regulation	-	No	
Bulgaria	No specific regulation	Ordinary legal regime (follows the classic devolution of the estate).	No	No
Croatia	No specific regulation	Ordinary legal regime (follows the classic devolution of the estate).	Yes *The notary carries out inheritance proceedings as a court commissioner*	No
Estonia	No specific regulation	*"Since there are no particular rules governing the succession of digital assets, we must start from the principle that the general rules of succession laid down by succession law apply"* [8] .	*The notary is competent to settle the succession, but the distribution or transfer of digital assets is generally not part of the succession procedure conducted by the notary* [9] .	*Estonia has a good infrastructure, which forms the basis of an "ecosystem" capable of handling digital assets within succession processes* [10] *. The e-Notary system allows notaries to carry out these procedures digitally. Estonia has a well-developed electronic identity (e-ID) system and the X-Road (X-tee) data exchange layer enables secure data transfer between government agencies. The Estonian legal system provides clear rules on inheritance, and the laws governing data protection and registers (such as the Personal Data Protection Act) ensure the secure handling of information. However, digital assets (for example, cryptocurrencies, social media accounts) are not yet covered by Estonian succession law. The conditions for putting in place future legal frameworks that could formalise the inheritance of digital assets and accounts are in place, but the legislation does not yet exist* [11] *.*

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Greece	No specific regulation	Ordinary legal regime (follows the classic devolution of the estate).	No	No
Hungary	No specific regulation *By the request of the heirs the "rights and obligations attached to the data" can be the subject of probate in Hungary.*	Ordinary legal regime (follows the classic devolution of the estate).	Yes *Only for the request of the heirs; if they do not indicate subjects of digital inheritance in the probate documents, the notary will not be involved.*	No
Latvia	No specific regulation. *The relatives or heirs of the deceased may individually contact the data controller and arrange the transfer or erasure of the data. No legal basis is currently provided for in national legislation* [12] *.*	No regulation.	No	*The Latvian notariat operates two platforms for storing and managing client data: DigiNotary, a platform for scheduling and organising online client appointments, in videoconference format, and for storing and managing client information. This includes the clients' contact details and the list of documents issued to them (the latter being visible only to the client).* *"NIIS" (in English: Internal Information System of Notaries) – a platform for checking client data, updating data, obtaining data from public registers and drafting documents.* ***No platform for the transfer of personal data and digital assets is currently in use*** [13] *.*

	Regime governing what happens to personal data upon death	Regime governing the transmission of digital assets (having economic value)	Role played by the notary in digital transmission	Notarial platform for the management, storage and transmission of digital data
Lithuania	No specific regulation *The fifth book of the Civil Code of the Republic of Lithuania (Inheritance), as well as other sources of Lithuanian law, does not mention the inheritance of digital assets. In other words, the institution of digital asset inheritance is currently not directly regulated in Lithuania, either in the Civil Code or in other legal acts. On the other hand, to a certain extent, the inheritance of digital assets should still be possible in Lithuania, even though it is not clearly and comprehensively regulated by law.* *It is believed (this opinion can be found in legal doctrine and scientific articles) that in Lithuania, the possibility of inheriting digital assets arises from the principle of universality of inheritance enshrined in the Civil Code, and already now, in Lithuania, at least in theory, it is possible to inherit either the digital property itself (if it meets the requirements for an object of property rights) or the author's rights to the digital property (if such digital property meets the criteria applicable to an object of intellectual property).* *Another opinion, which is also correct to a certain extent in the relevant context, is that inheritance of data contained in personal accounts — such as email, social media, or digital library accounts — is not governed by the provisions of inheritance law, but rather determined by the agreements or terms of use established between the user and the service provider. For example, many platforms allow users to designate individuals who may manage their accounts in the event of their death.*		Yes *If the heirs were to apply to a notary and submit documents proving the deceased person's property rights to certain digital assets or the author's rights to the digital property, the notary could issue a certificate of inheritance.*	No
Malta	No specific regulation	Ordinary legal regime (follows the classic devolution of the estate).	No	No
North Macedonia	No specific regulation	Ordinary legal regime (follows the classic devolution of the estate).	No	
Slovakia	No specific regulation	Ordinary legal regime (follows the classic devolution of the estate).	No	No
Slovenia	No specific regulation	*Digital assets are not regulated in succession law in slovenia, even not in private international law.*	No	No
Serbia	No specific regulation	Ordinary legal regime (follows the classic devolution of the estate).	Yes *If the notary acts as a commisioner of the court he/she will issue the succesion certificate*	No

	Regime governing what happens to personal data upon death	Regime governing the transmission of digital assets (having economic value)	Role played by the notary in digital transmission	Notarial platform for the management, storage and transmission of digital data
Switzerland	No specific regulation. *In the absence of specific and comprehensive regulation in Switzerland concerning what happens to digital data and assets after death, their fate is determined by a combination of principles of succession law, the law of personality, data protection law and, to a large extent, the general terms of use (GTU) of online services. Transmission, where it takes place, rests on indirect and analogical legal foundations.*	*The general rules of succession law and, where appropriate, of data protection law should be applied, taking into account the nature of the asset or the data.*	Yes *In Switzerland, the notary may take part in digital transmission, mainly in the event of death, although there is no specific regulation detailing the notary's role in this particular field. The notary's involvement stems from his or her general functions in matters of succession and from his or her duty of care.*	No
Turkey	No specific regulation. *The deceased person's social media accounts remain as they are. The deceased person's electronic government accounts are closed, and their electronic signature is revoked.*	Ordinary legal regime (follows the classic devolution of the estate).	Yes [14]	
Ukraine	No specific regulation. *Contracts concluded with online services may contain provisions limiting the transfer of digital data and assets to third parties after death*	Ordinary legal regime (follows the classic devolution of the estate).	Yes *The role of the notary in the process of transmitting the inheritance may consist in obtaining the necessary information on the existence of digital data and assets and in issuing a certificate of the right to inherit the corresponding digital data and assets. In this case, the object of the inheritance may be rights arising from certain contracts as well as digital assets or data having the characteristics of property.*	No

Notes

1 Article 85 of the Act: Any person may define directives relating to the retention, erasure and disclosure of his or her personal data after death

2 Bundesgerichtshof (BGH) = Federal Court of Justice, judgment of 12 July 2018 –III ZR 183/17

3 Personal Data Protection Law contains an explicit rule for deceased persons. Article 8 of the Law of Georgia on Personal Data Protection allows processing of a deceased person's personal data (a) on the usual legal grounds, (b) unless close relatives have prohibited it, (c) after 30 years have passed since death, or (d) when necessary to exercise inheritance rights. That means relatives and estate administrators have clear legal channels but also limits.

4 "Georgia has rules that affect what happens to a person's digital data after death, but there is no single "digital-assets inheritance" law that overrides ordinary inheritance and data-protection rules. The outcome is determined by a mix of (1) the Civil Code (inheritance law), (2) the Law of Georgia on Personal Data Protection, and (3) other sector laws (e.g., electronic communications). Inheritance is governed by the Civil Code. Property (broadly speaking) passes to heirs under the Civil Code either by will or by statutory succession; that framework applies to any assets capable of being inherited. If a digital item has proprietary or economic value and is capable of being transferred, inheritance rules apply. Though, digital assets, such as social media accounts, cryptocurrencies and digital files, are not explicitly addressed by Georgian Law."

5 Under the Civil Code, the notary: opens the succession on death; verifies the will (if any) or applies the rules of intestate succession; issues the certificate of inheritance; identifies and authenticates the heirs, guaranteeing their rights over the property of the deceased.

6 "The notary's involvement then depends on the nature of the asset: digital financial assets (cryptocurrency, digital wallets) if identifiable and inheritable the notary records them as estate assets and may certify transfer to heirs. However, practical access (private keys) must be arranged by heirs themselves; The notary cannot override privacy or data-protection laws. The Law on Personal Data Protection (Art. 8) limits processing of data of deceased persons unless it is necessary for inheritance purposes. The notary does not obtain passwords or private keys — heirs must provide those or obtain access through lawful means. Platform policies (Google, Meta, Apple, etc.) often require a court order or official certificate of inheritance issued by the notary to release account data.In Georgia today digital inheritance is handled within the general inheritance procedure; Notary involvement is mandatory for issuing inheritance certificates (even if the estate is purely digital)".

7 No electronic notarial system yet directly manages "digital estate transfers" — though digital signatures and e-notarial systems (per the Law on Notaries) can be used to formalize declarations.

8 *Since there are no special rules for the inheritance of digital assets, we must proceed from the fact that the general rules of inheritance set out in the Law of Succession apply; or, if a will has been made regarding the digital assets, that will can be followed instead.*

9 *The succession procedure is carried out by a notary, but the distribution or transfer of digital assets is generally not part of the succession procedure conducted by the notary.*

10 "For example, Estonia has a succession register kept by the Chamber of Notaries, which contains data on wills, successions and heirs. Notaries can search databases (such as the population register or the land register) in order to verify the rights and obligations of a deceased person".

11 *In Estonia there is a good infrastructure, that provides a foundation for an "ecosystem" capable of handling digital assets within inheritance processes. For example, Estonia has an Inheritance Register maintained by the Chamber of Notaries, containing data about wills, estates, and heirs. Notaries can make inquiries in databases (such as the Population Register or Land Register) to verify a deceased person's rights and obligations. The e-Notary system allows notaries to perform these procedures digitally. Estonia has a well-developed electronic identity (e-ID) system and The X-Road (X-tee) data exchange layer enables secure data transfer between government agencies. The Estonian legal system provides clear rules for inheritance and laws governing data protection and registers (such as the Personal Data Protection Act) ensure the secure handling of information. However, digital assets (e.g. crypto holdings, social media accounts) are not yet covered by Estonian inheritance law. The conditions for future legal frameworks that could formalize the inheritance of digital assets and accounts are there, but the legislation is not. Estonia does not yet have specific regulations governing digital inheritance.*

12 "The relatives or heirs of the deceased can individually contact the data controller and organise the transfer or erasure of data. No legal basis currently provided in national law".

13 "Notariat of Latvia operates two platforms for storing and managing client data: "DigiNotārs" (English - DigiNotary) – a platform for scheduling and organising online, videoconference-format client appointments, storing and managing client information. This includes client contact information and a list of documents that have been issued for the client (the latter being visible to client only). "NIIS" (English – Internal Information System of Notaries) – platform for carrying out client data checks, updating data, obtaining data from public registers and drafting documents. No platforms for transferring digital personal data and assets are currently in use".

14 *The deceased person's certificate of inheritance can be issued by a notary (the Magistrate Court Judges are also authorized, but people find notaries more efficient, so they prefer to obtain this document from a notary even if the fee is slightly higher). Heirs can access information about the deceased's real estate, bank accounts, and insurance policies, etc., through their own electronic government accounts using this inheritance certificate.*