

# Personal e-mail



As anybody living in the 21st century can tell you, email is the only way that people communicate these days because it is fast, safe, and secure.

Companies that offer email services such as Hotmail and Yahoo take pride in their privacy agreements with their clients that insures that their email will remain private and cannot be viewed by others. Proper etiquette, both the old fashioned and modern kind, indicate that it is in very bad taste to read someone else's mail. It is frowned upon in proper society and viewed as a direct invasion of an individuals privacy.

Although, it seems that upon the death of the person, those letters can be freely read by those he left behind. An appalling, voyeuristic practice that modern man wishes to implement with regards to the emails of the deceased in the current century. There is a binding agreement between the account owner and the company regarding account access and read permissions for the emails in the account. The account holders death should not change that contract and the service provider must uphold their agreement with their client even in the event of his demise.

In the case of Marine Lance Corporal Justin Ellsworth, his death left the email services providers in a bind. When hesigned up for a Yahoo! Mail account, he was assured that his account and its contents would remain private. The company agreed to protect the contents of his email box the very second he accepted the terms and conditions of the email service. This meant that the keys to the account, the passwords, would not be shared with anyone else. The parents of Lance Corporal Ellsworth disagreed and took Yahoo to court in an effort to gain access to his email account.

Yahoo most certainly could not violate its own company policy and hand over the keys to the parents of the deceased. Their belief was that since the account owner was now dead, the contents of the email should be deleted and the privacy of the client be protected as stipulated in their agreement. In the end it was up to the courts to decide upon who owned the rights to the email of the deceased. Lance Corporal Ellsworth's parents should have honored their son's right to privacy in death the way they did during his lifetime.

I can understand that his parents grieved terribly over his untimely demise and needed some sort of closure to help them understand what happened. But the answers they seek are not in the private correspondence of their son. Anything he wished for them to know and understand about him as a person and as a soldier, he surely shared with them in their email correspondence. Anything else that he told his other loved ones such as friends, girlfriend, etc. , should have remained the way Justin had left it.

As private information shared between 2 people. My bystanders opinion is that if his parents wanted closure and really wanted to find out what their son was thinking, feeling, and telling people during his final days, they do not need his emails. What they need is to talk directly to the people their son considered important in his life and listen to their stories about him. That is how you get closure, violating a dead persons trust is the worst form of betrayal that can happen to the dead.

This case has set a very bad precedent in the case of internet service privacy policies. With the court decision instructing Yahoo to turn over the private

emails of their deceased client, Yahoo has directly violated their own terms of agreement pertaining to the use of email by their company. Personally, I find the act of turning over personal emails to anybody, regardless of blood relation to the deceased to be in very bad taste. They say that a dead man tells no tales. He also takes his secrets with him to the grave.

By allowing the living to gain access to the private correspondence of the dead, we accomplish nothing except to desecrate the memory and rights of the person. I agree with the people who say that if Lance Corporal Ellsworth really wanted to share his private thoughts with his parents, he would have given them access before hand by personally turning over his password to every member of his family whom he deemed worth to read his most private and intimate thoughts as shared with other people in his life.

Since he did not do that, I can only assume that there were certain emails he sent to people which he deemed to be personal and only for private reading. I can understand the courts demanding that emails be turned over by the mail service provider if the case were criminal in nature and had a direct effect on the outcome of the case. But this was a private matter that demanded the courts violate the very moral fiber that private communications are based upon, that is trust and privacy, while force a company to unwillingly breach their own contract with a client.

The status of the client, that of being alive or dead is not the main issue for discussion here, it is the fact that a moral code of ethics was broken and the confidence of a client was forcibly violated. Lance Corporal Ellsworth is no longer amongst us and can no longer speak for himself. He made his

decision to keep his email private no matter what happened to him when he agreed to the company terms and policies for email service use. That personal choice should have been upheld by the courts and respected by his parents.

Because of the way this case played out in court, people have been forced to make decisions regarding what happens to their emails once they die. Something that we should not be forced to do because of the already existing agreements between the client and the service provider. These free mail services are offered as a matter of public trust. The public trusts these companies to be the safe keepers of their documents and believe that the company will not violate their own privacy clause in any event.

By forcing Yahoo to betray this trust, the company has not only broken their own policies, but the government has shown how it does not give any thought nor value to violating the public trust and forcing others to do so as well. I am glad that Yahoo, Google, AOL, and Hotmail, to name a few, have revised their Terms of Service agreement with their clients to include a clause pertaining to the sudden death of a client and how the emails of the deceased shall be dealt with by the company if the client did not leave any specific instructions pertaining to email access upon his demise while still living.

I for one would want to take my emails to my grave with me. I would never feel comfortable knowing that a company I trusted with my private thoughts could be forced to turn my files over to people who would not have the first idea regarding how I felt when I wrote my emails. If I ever change my mind, I

will make sure to include my username and password in my will and assign it to a person that I trust. Parenthood does not mean they automatically get a pass to access my private thoughts through my emails in the event of my death.

In conclusion, I would like to say that our archaic privacy laws must be updated in order to reflect the modern way of communications. These updated laws must recognize the validity of various new privacy clauses entailed within these electronic agreements and laws that do not allow for revisions regarding communications technology must be repealed if these laws are to stay abreast of modern times and technological lifestyles.

## **Work Cited**

<http://www.csmonitor.com/2005/0502/p12s02-usju.html>

[http://www.theregister.co.uk/2005/04/25/yahoo\\_opens\\_inbox/](http://www.theregister.co.uk/2005/04/25/yahoo_opens_inbox/)

<http://www.smh.com.au/news/web/what-happens-to-your-emails-when-you-die/2007/02/18/1171733604219.html>

<http://www.howtoweb.com/cgi-bin/insider.pl?zone=361051>

<https://assignbuster.com/personal-e-mail/>