521A.02 DEFINITIONS.

- Subdivision 1. Applicability. The definitions in this section apply to this chapter.
- Subd. 2. **Account.** "Account" means an arrangement under a terms-of-service agreement in which a custodian carries, maintains, processes, receives, or stores a digital asset of the user or provides goods or services to the user.
- Subd. 3. **Agent.** "Agent" means an attorney-in-fact granted authority under a durable or nondurable power of attorney.
 - Subd. 4. Carries. "Carries" means engages in the transmission of an electronic communication.
- Subd. 5. Catalog of electronic communications. "Catalog of electronic communications" means information that identifies each person with which a user has had an electronic communication, the time and date of the communication, and the electronic address of the person.
- Subd. 6. **Conservator.** "Conservator" means a person appointed by a court to manage the estate of a living individual. The term includes a limited conservator, or unlimited under section 524.5-401.
- Subd. 7. **Content of an electronic communication.** "Content of an electronic communication" means information concerning the substance or meaning of the communication that:
 - (1) has been sent or received by a user;
- (2) is in electronic storage by a custodian providing an electronic communication service to the public or is carried or maintained by a custodian providing a remote computing service to the public; and
 - (3) is not readily accessible to the public.
 - Subd. 8. Court. "Court" has the meaning given in section 524.1-201, clause (9).
- Subd. 9. **Custodian.** "Custodian" means a person that carries, maintains, processes, receives, or stores a digital asset of a user.
- Subd. 10. **Designated recipient.** "Designated recipient" means a person chosen by a user using an online tool to administer digital assets of the user.
- Subd. 11. **Digital asset.** "Digital asset" means an electronic record in which an individual has a right or interest. The term does not include an underlying asset or liability unless the asset or liability is itself an electronic record.
- Subd. 12. **Electronic.** "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- Subd. 13. **Electronic communication.** "Electronic communication" has the meaning given in United States Code, title 18, section 2510(12), as amended.
- Subd. 14. **Electronic communication service.** "Electronic communication service" means a custodian that provides to a user the ability to send or receive an electronic communication.
- Subd. 15. **Fiduciary.** "Fiduciary" means an original, additional, or successor personal representative, conservator, agent, or trustee.

- Subd. 16. **Information.** "Information" means data, text, images, videos, sounds, codes, computer programs, software, databases, or similar material.
- Subd. 17. **Online tool.** "Online tool" means an electronic service provided by a custodian that allows the user, in an agreement distinct from the terms-of-service agreement between the custodian and user, to provide directions for disclosure or nondisclosure of digital assets to a third person.
- Subd. 18. **Person.** "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.
 - Subd. 19. **Personal representative.** "Personal representative" has the meaning given in section 524.1-201.
- Subd. 20. **Power of attorney.** "Power of attorney" means a record that grants an agent authority to act in the place of a principal, under chapter 523.
- Subd. 21. **Principal.** "Principal" means an individual who grants authority to an agent in a power of attorney.
- Subd. 22. **Protected person.** "Protected person" means an individual for whom a conservator has been appointed. The term includes an individual for whom an application for the appointment of a conservator is pending.
- Subd. 23. **Record.** "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- Subd. 24. **Remote computing service.** "Remote computing service" means a custodian that provides to a user computer processing services or the storage of digital assets by means of an electronic communications system, as defined in United States Code, title 18, section 2510(14), as amended.
- Subd. 25. **Terms-of-service agreement.** "Terms-of-service agreement" means an agreement that controls the relationship between a user and a custodian.
- Subd. 26. **Trustee.** "Trustee" means a fiduciary with legal title to property under an agreement or declaration that creates a beneficial interest in another. The term includes a successor trustee.
 - Subd. 27. User. "User" means a person that has an account with a custodian.
- Subd. 28. Will. "Will" includes a codicil, testamentary instrument that only appoints an executor, and an instrument that revokes or revises a testamentary instrument.

History: 2016 c 135 art 2 s 3