

638.2 Definitions.

As used in [this chapter](#), unless the context otherwise requires:

1. “*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.
2. “*Agent*” means an attorney in fact granted authority under a durable or nondurable power of attorney under [chapter 633B](#).
3. “*Carries*” means engages in the transmission of an electronic communication.
4. “*Catalogue 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.
5. “*Conservator*” means the same as defined in [section 633.3](#). “*Conservator*” includes a person appointed to have the custody and control of the property of a ward in a limited conservatorship unless otherwise provided by order of the court.
6. “*Content of an electronic communication*” means information concerning the substance or meaning of the communication to which all of the following apply:
 - a. The communication has been sent or received by a user.
 - b. The communication 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.
 - c. The communication is not readily accessible to the public.
7. “*Court*” means a district court in this state.
8. “*Custodian*” means a person that carries, maintains, processes, receives, or stores a digital asset of a user.
9. “*Designated recipient*” means a person chosen by a user using an online tool to administer digital assets of the user.
10. “*Digital asset*” means an electronic record in which an individual has a right or interest. “*Digital asset*” does not include an underlying asset or liability unless the asset or liability is itself an electronic record. “*Digital asset*” does not include health information or individually identifiable health information as those terms are defined in the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191.
11. “*Electronic*” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
12. “*Electronic communication*” has the meaning set forth in 18 U.S.C. §2510(12).
13. “*Electronic-communication service*” means a custodian that provides to a user the ability to send or receive an electronic communication.
14. “*Fiduciary*” means a personal representative, conservator, guardian, agent, or trustee.
15. “*Guardian*” means the same as defined in [section 633.3](#). “*Guardian*” includes a person appointed to have the custody and care of the person of the ward in a limited guardianship unless otherwise provided by order of the court.
16. “*Information*” means data, text, images, videos, sounds, codes, computer programs, software, databases, or the like.
17. “*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.
18. “*Person*” means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, instrumentality, or other legal entity.
19. “*Personal representative*” means the same as defined in [section 633.3](#).
20. “*Power of attorney*” means the same as defined in [section 633B.102](#).
21. “*Principal*” means the same as defined in [section 633B.102](#).
22. “*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.
23. “*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 18 U.S.C. §2510(14).

24. “*Terms-of-service agreement*” means an agreement that controls the relationship between a user and a custodian.

25. “*Trustee*” means the same as defined in [section 633.3](#) or [633A.1102](#).

26. “*User*” means a person that has an account with a custodian.

27. “*Ward*” means an individual for whom a conservator or guardian has been appointed. “*Ward*” includes an individual for whom an application for the appointment of a conservator or guardian is pending and for which a court order authorizing access under [this chapter](#) has been granted.

28. “*Will*” means the same as defined in [section 633.3](#).

[2017 Acts, ch 79, §5](#)