

Ep #: Protecting Your Digital Privacy During Divorce



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With Your Host

Lauren Fair

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You're listening to *The Sensible Split* podcast, Episode 18. Today, I'm talking about digital privacy concerns and some steps you can take if you're concerned about your privacy as you consider or move forward with divorce.

The Sensible Split is a podcast for smart but overwhelmed women in search of a roadmap to a successful separation and divorce. If you are looking for guidance in navigating the practical, legal, and emotional aspects of divorce with confidence, this is the show for you. Here's your host, Master Certified Life and Divorce Coach, Divorce Attorney, and Mediator, Lauren Fair.

Hello, hello. How are you? I hope your week is off to a good start. I just got back from our big family trip to Oahu. This trip was my first time in Hawaii ever.

I mentioned it in Episode 17 that I was going to be going and I'd give you a review of my trip, and so that's what I'm going to share with you today. I had so much fun. I am rather tan now, more tan than I have been in many years, which is fun. We stayed at the Disney Aulani Resort on the west side of the island in Ko Olina and I promised I'd share some thoughts about that, so here goes.

I loved it. The architecture and the design of the hotel was beautiful and incorporated a lot of native Hawaiian culture and language. I love immersive experiences, and the attention to detail in every part of the resort is very much Disney quality. If you've ever stayed at the Disney's Grand Californian Hotel near Disneyland, it had somewhat similar vibes to that but in a Hawaiian beach setting.

We had a two-bedroom villa. It had a kitchen and a laundry in the room, and that was super convenient considering how many people we had and the fact that we were there for 10 days. The best part of the hotel is the pools and the private beach, in my opinion. There's a great lazy river, and that was my favorite of the favorite parts of the hotel.

One day, my mom and I floated around in it for three straight hours. It was glorious; highly recommend. There are multiple pools and spas, including some adult-only spas with infinity edges and beautiful views. There is a private lagoon where you can lay on the beach, paddleboard, swim, and snorkel if you're into

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water sports. They also have a tank with fish called Rainbow Reef where kids can learn to snorkel and see real fish swimming beneath them, which my kids really enjoyed.

We did the luau on the property as well, and the production quality of that was what you would expect from Disney. The whole family really enjoyed that and also got to learn more about Hawaiian culture and just some of the local Hawaiian traditions.

The food on the property is decent, although we did eat off the property quite a bit. I would say my biggest complaint about Aulani is that there was nowhere good to get an iced latte on the property. For me, that's a non-negotiable. I have to have something in that regard. I found a solution to this. The Four Seasons was directly next door and inside, they had an amazing coffee bar. With a very short walk next door, that solved my biggest gripe with Aulani.

Overall, I highly recommend Aulani. I ran the family around the island and we hit all the high points on each side of the island as well. I feel like we got a good sampling of Oahu.

My parents actually spent their honeymoon in Waikiki 44 years ago, and I got to take my mom back to where they stayed for their honeymoon, which was really neat to be able to do. My dad has passed now, and it was really special for her to go back to this special place for them and see what's the same and what's changed.

What I'm talking about today in the divorce realm is something that has changed a lot in the last 44 years, and that is the digital landscape we live in and its implications with regard to privacy and divorce.

If you're not familiar with how technology can be utilized in divorce today, you may be placing yourself, your privacy, and/or potentially your likelihood of success in achieving your desired outcome at risk. So I'm going to share with you today some of the most common ways that I see modern technology cause problems in divorce situations, and share some suggestions with you about how

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you can be smart about your use of technology as you contemplate or move forward with divorce.

Our lives have become very interconnected with modern technology and this is even more true within families. For example, if you have an Apple device, you have an Apple ID. With an Apple ID, once you log in with it to a device, that device is then linked to the Apple ID. All data associated with an Apple ID is then accessible on any device logged in with the same Apple ID.

Between spouses and between parents and children, oftentimes devices get shared in some way where Apple IDs get logged in on various devices. It is common to share an Apple ID in families, for sharing app purchases, music, photos, things like that.

The problem with sharing Apple IDs, or having multiple devices logged into the same Apple ID, is that this can result in inadvertent exposure of private communications and activities. For example, this can result in iMessages being pushed through to not only one's phone but also their iPad. It can result in the syncing of messages, emails, calendar events, and location data across devices.

In some applications, this can be a super helpful feature. In other applications, like divorce or abusive situations, one partner may use this information to gain an advantage or monitor the other's activities.

Modern technology offers various tools and methods that can be used to track or spy on a spouse, especially during the sensitive period of a divorce. Here are some common ways that this can happen.

The first one is through smartphones and tablets. Through smartphones and tablets, there can be GPS tracking features. Most smartphones have built-in GPS, which can be used to track a person's location through apps like Find My iPhone or Google Maps Location Sharing.

You also have the issue of message syncing. Like I mentioned a moment ago, apps like, for example, through Apple, you have the iMessage feature, which is like a text message between Apple phone users.

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Other messaging services can sync across multiple devices. If accounts are shared, one spouse can potentially read the other's messages if you're using the same Apple ID or it's connected through whatever individual phone creator that you utilize.

Call logs and voicemails are another way that information can be shared across smartphones and tablets. One spouse can access call logs and voicemail accounts, and those can reveal who the other spouse is communicating with.

So if you're on the same phone plan, for example, or you have access to the sharing of voicemails across different devices that are logged into the same Apple ID or its equivalent, then that may open up some exposure to knowledge of who you're calling or who's leaving you voicemails.

The second category of devices where we see privacy concerns come into play is involving computers and laptops. So under this category, we're looking at things like email accounts. Shared email accounts or passwords can allow one spouse to access the other's email and read personal or sensitive communications.

Of course, this could be computers, laptops, or this can also be on any device where you can access email accounts. So if you, particularly where you've saved passwords, you know how easy that is to just save those in an internet browser. That's really handy when we don't have safety concerns, right? But when we have privacy concerns or safety concerns, then when you have passwords saved into your browser, then that ends up where anyone using your device can then easily log in to your email account.

Key logging software is another area of concern. And this is where there's software that can be installed to record keystrokes, capturing everything typed on a computer, including passwords and private messages. I think this has actually kind of become more common in the age of remote work; this being utilized by employers for remote employees.

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But this can also be used in other contexts. So it's important to be aware of what kind of software is running on a computer that you're utilizing for anything sensitive related to your divorce.

The third type of digital devices that can cause concern in the divorce context is home networks. Advanced routers, for example, can log internet activity, showing which websites are visited and potentially what information is exchanged.

I would imagine there's probably a lot of people who don't know how to access that information. I have to admit, I wouldn't know offhand how to access that information to my house. But you have to know how savvy your spouse is, and how savvy you are when it comes to understanding what kind of data is being tracked in your home. And so, if you're like me, you may not even have thought about the fact that that information is being tracked, but it is there.

Now, does that mean that this type of information is accessed in every situation? No, of course not. You have to know your own situation. You have to assess how technologically savvy is your particular spouse, how technologically savvy you are. And this is not something where we want to be overly fearful, we just want to be prudent. We want to be proactive in thinking about what might be something of concern for me.

Another type of home network that can be a concern is smart home devices. Devices like smart speakers, cameras, and security systems, those can be accessed remotely to monitor movements and conversations. So what kind of security system devices do you have in your home? What kind of – we're talking about smart speakers, for example, like Alexa-type devices.

What have you put inside of your home for convenience purposes and not really thought much about until now? Until now, there's some concern about how else might these be utilized if my spouse and I are not on the same page with respect to where our relationship is heading.

The fourth area of concern is social media. We put a lot out there on social media now about our private lives. And you want to be very mindful about what

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you are putting on social media. Checking social media profiles can reveal a lot about a person's activities, connections, and whereabouts. So you want to consider, at minimum, making your profile on social media private.

Now that doesn't mean deleting anything; I'll come back to that in a moment. You have to be very careful about not deleting what may be considered evidence. But you can make profiles private, and that's one measure that we can talk about a little bit more in a moment.

But another is being mindful of the fact that your "friends" on social media may also be common friends of your spouse. And so even if you have a private social media page, what are you posting on there that may be getting back to them through some other friend that you didn't anticipate might be sharing that information with your spouse?

There's also the potential that someone you're concerned with in the divorce, whether it be a spouse or another family member who may not be aligned with you, there's the possibility that they could create a fake social media account and befriend you to try to have access to your private social media activities. So be mindful of who you are agreeing to be "friends" with or allowed to follow you on social media during divorce.

All right, the fifth area of concern for digital privacy is financial transactions. And what I'm talking about here is what is showing up on your bank and credit card statements or in your financial app history. Access to shared or individual financial accounts can reveal spending habits or locations of transactions. So like where are you spending your money, how much are you spending there, and potentially hidden assets.

By looking at a bank or credit card statement, which even if you have your own individual account that your spouse doesn't have access to, that doesn't necessarily mean that they don't have the ability to see that as part of the divorce. So you want to be very mindful about what is being shown in a review of those statements.

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Also, now on the financial app front, we don't think about that quite as much, but what's in your Venmo history? What's in your PayPal history, right? What can be tracked there is something to think about.

All right, the sixth area of concern is cloud services. Shared cloud storage, right? Services like iCloud, Google Drive, and Dropbox, if shared, can give access to private documents, photos, and other files. Also automatic syncing that comes along with cloud services. Devices that automatically back up to the cloud can share new data with anyone who has access to them.

The seventh area of concern is spyware apps. These are apps specifically designed for spying, often marketed for parental control or employee monitoring. So this is a little bit similar to the keystroke type of monitoring that I mentioned earlier. But these can be misused to track a spouse's activities on their phone or computer.

Finally, something that has come up a lot more in recent times as technology has advanced, is the use of hidden recording devices. So not just the in-home technology that you knew was there before, like the cameras and the smart speakers and things like that, things that you were already aware of, but maybe things that have now been placed there that you may not be aware of, like nanny cams hidden in something.

Actually, now there are devices you can buy on Amazon to suss out what may be there that you're not aware of. So a technology that can be utilized to locate hidden devices inside a home.

I know this may sound like a lot, but understanding these risks and taking proactive steps can help protect your privacy and maintain your security during the divorce process.

I had a client who discovered their spouse's intention to file for divorce through synced emails. So this is a situation where the beginning of the divorce obviously did not get off on a very good foot, in that the disclosure of the intention to file for divorce came by way of reading an email that got synced on

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another device, as opposed to it being a conversation where it could be addressed more productively.

And there was already, from the beginning, kind of a creation of a lack of trust because that's how they found out, right? Not directly from their spouse, but through reviewing emails that they weren't intended to read. It's just not something that sets the situation up to go very smoothly.

I had another client who learned of their spouse having an affair through iMessages. The iMessages were coming from their spouse's phone, but were being synced on their child's iPad. That's really, really not good.

Really cringy, because sometimes you have a young child and you don't really think about it. You just log in when you get a new iPad, you put the Apple ID in, and you're not thinking these things through. And then you don't realize that your iMessages are going through to the iPad that other people have access to.

I also had a situation where one partner tracked the other's movements through an app that was marketed as a “family location safety app.” And so when the family unit is intact and divorce is not on the horizon, that perhaps is what it was, right? It may have been something that the family decided that everyone was going to be on.

It can be helpful to be able to see, especially as you have teenagers who start to drive, where are the kids at any particular time and the kids be able to see where the parents are. That might be something that as a family you decide is helpful and something that you want to put in place for safety.

But what about when you're moving forward with divorce? Is that something that you've remembered is in place? Is that something that you want to remain in place or not?

So I'm going to share some steps you can take to be prudent in the face of cybersecurity concerns if you're considering divorce or going through it. It doesn't mean you have to do anything you don't want to, but you want to think about, “What are the concerns that I might have in my particular situation? And what, if anything, might I want to do about it?”

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The first step you can take is creating separate accounts. So this can be email accounts, cloud service accounts, and Apple IDs; digital accounts. And I want to put a caveat on this after number two, which is to change your passwords. You want to regularly update passwords and use strong, unique passwords for each account.

And here is the caveat to both of these steps: You want to consider security concerns first. What I mean by that is if you create separate accounts, if you change your passwords, what might be the impact of that for you in your particular situation?

If you are in a situation where there is domestic violence present or you are concerned about your physical safety, if that were to be discovered, then obviously you want to not just do that without really having a plan in place and some legal advice about what your options are. Okay? You only want to take those steps if you feel that your security, your safety, is not at risk if that step was discovered.

If you have some concern about your safety, there may be other things that you want to do first before you take those steps. Okay? And this is why it's important to have advice for your particular situation, which is not what we're doing here today.

Number three, you want to consider enabling two-factor authentication. That adds an extra layer of security by requiring a second form of verification. I think probably most of us know what that is today.

And that is, for example, when you log into an account, it will then send a code to your phone and you've got to enter the code in order to get in. It just is that extra layer of protection and really making sure it's you before allowing someone into the account.

Number four is to review app permissions. You want to check which apps have access to your location, your messages, and other sensitive data. And as I said earlier, you don't want to delete data without checking with a lawyer in your

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jurisdiction, because electronic data can be considered evidence and you don't want to be in a situation where you've improperly deleted or destroyed evidence.

The biggest concern here is being able to see if there's an ability to make certain things private, but you don't want to delete anything without checking with a lawyer in your jurisdiction first.

Number five, secure devices. You want to ensure all devices are protected with passwords or biometric security features like fingerprint or face recognition. Again, that's kind of like two-factor authentication, where you're just adding that extra layer of security to ensure that you are really the one logging into your devices.

Number six, you can have your home or your car scanned for hidden devices if you are concerned that your movements are being tracked. That is something that is a possibility for you, to have your home or car scanned to see if there is some kind of device that's been planted that is in fact tracking your movements.

Number seven, consult a professional. If you suspect that you're being spied on, you consult with a legal or cybersecurity professional to understand your rights and how to secure your technology.

So I hope what you will take away from today's episode is that technology can play a very significant role in a divorce situation, and it's important to be mindful and proactive about how that may play into your particular situation.

I want you to consider taking proactive steps to protect your privacy and avoid unnecessary complications. And so, what I mean by that is, thinking back to that situation where I mentioned that my client found out that their spouse was filing for divorce by reading emails. That is just not the way that you want to start a divorce off, right?

You don't want to start it off with extra trust concerns and that information being learned in a way that is not very intentionally created in terms of a conversation. When we are focused on resolving divorce disputes as smartly as possible, inadvertent disclosure of information through technological means does not serve those ends.

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So if you're like a lot of my clients who want to have their ducks in a row before moving forward with divorce, before informing their spouse that they want a divorce, this digital privacy issue is just something that you want to be really mindful about.

Because I know that a lot of you are very concerned about the outcomes that you can get in your case, as well as being respectful of your spouse and how you move forward in the process, right? Even though the marriage is ending, you still want to go about this the right way, and you want to do what you can to make the process go as smoothly as possible.

And this is really a key part of that, which is not having what you're doing in getting your ducks in a row be inadvertently disclosed before you're ready to talk about that, before you're in a state of mind, before you have a plan to really deliver that information in the best way possible.

All right. So that's what I have for you today. I will talk with you in the next episode.

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