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Tourism, Technology and Citizens' Legal Protection: Tourism Data[1]

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In the context of a general digital transformation of society and economy, tourism may be the sector that has experienced the most intense variation on the occasion of technical means. Issues like big data, open data and smart cities have changedthe legal relationship between a client and a touristic stablishment, and even the control capacities of the Public Administration on the sector. In this paper, we study the influence of these changes on consumersslegal protections.

Keywords: *Tunisia, Goletta, Seaside Tourism, Seaside Resort, Globalization*

Introduction: Collaborative Economy

The law in general and specifically defensive legislation of users and consumers in bilateral legal relationships protects the weaker party. In the case of doubt in a service contract, the user is most in need of protection from the owner of the means of production. Hence, the public authorities, in accordance with the legal mandate, must intervene to make it possible for equality between both parties to be real and effective.

In its relations with the administration, society is organized to carry out activities that escape public intervention. The leisure and tourism sector is the most paradigmatic example: transport users may organize themselveson digital platforms to share a vehicle, escaping from security measures (other than the general traffic of motor vehicles) and paying tributes. Time banks, which exchange services for time, are another example of an escape from administrative intervention, especially taxation.

In this sense, the collaborative economy is now a reality that no one can discuss, in which an important volume of commercial transactions is practiced, through shared platforms based on technological components (Montero Pascual 2017).

The proliferation and development with unusual speed of imaginative solutions within the market forces administrations to regulate a posteriori the practices of individuals. For instance, in times of crisis, homeowners have been tempted by the possibility of renting their houses in the summer season. The standards and requirements of tourist laws - and the corresponding sanctioning power of the Tourist Administration - have not been able to dissuade owners from offering practically any property to the market through a website. Instead,

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it has been the legislator who has had to adapt the regulations, reducing the demands of tourist holiday homes, whose proliferation in these last summer seasons has been more than evident.

The digital environment incorporates notable advantages to the user in saving costs and time through a variety of means. For example, it allows for bordering the tourist intermediation and contracting directly with the service provider. It also makes it possible for users to express opinions in real time, both favorable and unfavorable, the latter often bringing greater forcefulness and effectiveness than any administrative sanction (MartínezNadal 2015).

Notwithstanding the foregoing, this new concept of contracting distance cannot translate into a reduction in the guarantees admitted by the legal system. In other words, the law cannot be insensitive to the rights of users of tourist services, which may be affected by digital forms of contracting, especially when it comes to enforcing them. In the absence of a specific rule for the user of tourism services, below we will analyze the current legal regime in terms of consumption and tourism in order to verify whether the consumer rights to tourism products in a digital environment have appropriate corresponding protection (BauzáMartorell 2015)

The Revolution of Tourist Data

The technical means and distance contracting systematically translate into the proliferation and profusion of data, circulating through the network without control for exhaustive material reasons.

Social networks transmit daily data on destinations, origins, preferences (sun and beach, sports, culture, restaurants, etc.), spending capacities, and on behaviors (family tourism, leisure, night clubs, etc.) that affect millions of users. Although these data have headlines, they are handled by so many interlocutors who become highly vulnerable (Valero Torrijos 2013).

A dataset of this kind whose size exceeds the capacity of search, capture, storage, management, analysis, transfer, and visualization functions of conventional tools, or even legal protection, is known with the anglicism of big data (Masseno 2013).

In the tourism sector this revolution in data is particularly intense and important. It is intense because statistics reveal that more than 95% of travelers currently use digital resources at some point in the course of a trip, visiting an average of 19 web pages on each trip. For this purpose, the mobile channel has become an important means of sale in the sector, reaching 12.5% of all online reservations. This shift is important because, in general, the digital revolution has an impact of 1.25 trillion euros in the main world economies; and, in particular, tourism data have strategic value of the first order in that they allow affected parties to predict future behavior and anticipate competitive offers (BauzáMartorell 2017).

In addition, in tourism, more than in any other field, the flow of data can be national, but also cross-border, which complicatesthe legal relations of hiring

and creates challenges in the areas of the judiciary and administrative control (Aberasturi Gorriño 2011).

The macro data technique combines treatment of a greater volume of information at higher speeds with a variety of data and different sources (Canatacci 2016), thus achieving greater accuracy in the treatment of information.

Indeed, an intelligent analysis of the data allows us to detect behaviors and trends, to know the client and the development of the product, to optimize processes, attract and retain customers, and ultimately to make decisions proactively and quickly. All these aspects are fundamental in a sector that moves 113,690 million euros per year and that constitutes 10.9% of GDP.

Furthermore, this massification of tourist data is inserted in the context of open government and transparency, so that the legal system requires publication of relevant information available to Public Administrations (MartínezMartínez 2015). This makes possible the reuse of data through the use of standardized technological and mass information treatments. Hence, it is necessary to analyze the macro data and open data in the tourism sector, and in particular the access to and reuse of tourist data in the possession of the Administration.

Smart Cities and Open Data

The notion of a smart city is nothing more than the application of technical means to the management of local public services in order to achieve greater efficiency in the use of municipally owned media, spaces and infrastructures.

In this sense, sensors in public transport vehicles are part of the smart city as they allow systems to know where the vehicles are and predict the time it takes to reach a stop.A leak reader in the drinking water network used in order to maximize this resource is another example of Smart city technology. In short, these are interconnected objects and sensors formatted in a permanent and automated way that provide information in real time. All these data combining different sources and in turn provide other additional information to both the city and especially the citizens.

In this sense, the macro data make possible a dynamic observation not only of the city itself, according to the theories of urban planners of the 1970s and 1980s (Barthes 1970, Lynch 1985, Giovenale 1977, Friedman 1973), but also of the commercial preferences of its inhabitants, information that is of enormous interest for the economic operators.

A problem that cannot go unnoticed consists of the multitude of actors that intervene in the projections of the smart city. In fact, if our analysis focuses on administrative intervention in tourism in the face of challengesfrom big data and open data, we must observe not only the different public policies directly or indirectly linked to tourism, but also the multiple actors involved. Theadministration, together with providers and users of tourist services, intervene, but so too do the service providers of the information society, which collects data from some individuals who accordinglycannot assign to third

parties under penalty of incurring an infringement (Valero Torrijos – Robles Albero 2015).

From a legal perspective, the transmission of data within the framework of smart cities raises the problem of consent. In effect, the European legislation on privacy makes the guarantees of data transmission rest on the consent of the affected party, which must be unequivocal. Access to data, both public and private, of the citizen in an environment of public and private agents with commercial or non-commercial purposes (FernándezBarbudo 2015) cannot rely effectively on the consent of the affected, especially in the context of the so-called Internet of Things, with the volume, variety and speed in the management thereof.

It is true that this consent will not be precise when personal data are collected for the exercise of the functions of the Public Administrations within the scope of their powers. However, a few things are also true: (1) sometimes, private agents access those data; (2) in spite of all the precautions of anonymization of the data, to this day there are formulas to deanonymize encrypted data, referencing behaviors and attitudes to perfectly identified individuals; and (3) the communication of data to a third party does require consent unless it is authorized by law.

On the other hand, data processing and communication thereof provides access to data on behalf of third parties, whose realization must be regulated in a contract that must be in writing or in any other form that allows a party to prove its conclusion and content. It must establish expressly that the data processor will only process the data according to the instructions of the data controller, who will not apply them or use them for purposes other than the one indicated in said agreement, nor will communicate them, even for their conservation, to other people.

As can be seen, the obligatory conclusion is that the access and reuse of information within the framework of the intelligent city marries wrongly with a legal regime centered properly on conventional personal data (ideology, religion or belief, health, etc.) for which European legislation was conceived several years ago. The reality of the facts is far from having to fit in with that regulation.

To this day, positive law is being built on the basis of community regulation of conventional data and consent. Not in vain, the Working Group of Article 29 on Data Protection in its Opinion issued 6/2013 recalls that the access and reuse of personal data that have been made available to the public are still subject to data protection legislation. On the other hand, Regulation (EU) 2016/679 of the European Parliament and Council, given on April 27, 2016, concerns the protection of natural persons with regard to the processing of personal data and the free circulation of these data. By repealing Directive 95/46 / EC (General Data Protection Regulation), adminstrationscontinue to bet on this approach, and its innovations in data control are mainly focused on the right to be forgotten and the right to privacy.

In our opinion, the principle of open administration must be rethought, mainly by valuing the undoubted advantages of access to data and its reuse, but

also by remaining aware that it is not feasible to subject use to the consent of the affected party. It is necessary to radically rethink the data transfer model in a new environment, which is typical of macro data.

A formula of administrative control in order to avoid abuses could be, in the context of administrative police activity, to standardly include the obligation of the operator to stop any transmission or use of data in which the owner expresses his contrary will, followed by an offending type with an exemplary sanction.

Reservation Centers and Big Data

Reservation centers are defined as "the companies and entities that are mainly dedicated to booking tourist services in an individualized manner" (Fernández Rodríguez 2016), noting that they are not mere tourist information offices and they are prohibited from organizing package tours.The reservation centers that operate in Europe are mostly private, although there are plants created and managed by territorial powers.

Among the first, there are centers directly linked to providers of tourism services, which evidently seek to contract their own services with consumers, as well as those related to legally constituted sector associations of tourism service providers where there is a competitive component for quality and price.

In the second case, there are centers promoted by the Administration, with the dual objective of providing information and promoting tourism in its territory in general (Bauzá Martorell 2014), apart from contributing to the commercialization of tourism in its spatial environment.

From the legal definitions analyzed, it can be seen that the reservation centers are entrusted with a main function, consisting of mediation and reservation of tourist services in an individualized manner between the provider and the user. This does not exclude the execution of secondary or complementary activities, such as the dissemination and promotion of tourism offers or even the sale of advertising material. In some cases, the reservation centers are entrusted with the task of providing information on the tourist resources of the territorial power. Meanwhile, in other cases, the main function of reserving tourist services in an individualized manner is attributed to the power stations, but any reference to what the secondary activities may be is omitted.

In a negative sense, thesecenters are prohibited from organizing package tours and day trips. Furthermore, it is not permitted in some cases for them to receive economic compensation from consumers or tourism users, or to charge in on behalf of the providers of the services they have booked.This unequal attribution of functions converts the legal regime of reserve centers into an inadmissible asymmetry and a fragmentation that prevents legal traffic with stability criteria. This diversity of functions does not respond to any justification, but nevertheless has a negative impact on legal relations.

The irruption of new technologies in the tourism sector has altered the composition of the agents subject to legal and commercial relations.

On the one hand, it is evident that the presence of intermediaries has a relative utility, since the technical means allow users to contact the providers directly. In this context, it makes sense that travel agencies have been drastically reduced in our country, and that they can only add value in matters of complexity and specialization as an element to reduce uncertainty (package travel, unconventional destinations, etc.).

On the contrary, and inversely proportional to the reduction of travel agencies, they acquire a greater presence in the legal traffic reserve centers (Del Alcázar Martínez 2002), which gather technology to offer more benefits and reach more users by taking advantage of the new distribution channels in the tourism sector.

The use of technical means in no way alters the legal nature of the reservation centers. These can opt for a face-to-face relationship with their clients, or they can interact remotely.Between face-to-face mediation and telematics, only the form changes; the legal nature remains intact.The electronic reservation center in this sense is not distinguished from the traditional center, and it still constitutes a physical or legal person that brings together a provider of tourist services with a consumer or user thereof (Martínez Nadal 2003).

As tourism is an exclusive territorial competence (including the legislative and executive functions), by regulating the reservation centers in a particular way in each department, the electronic form allows an operator in any enclave on the planet to provide its services of mediation in any country, which is equivalent to say in each of the different provinces and regions. Conversely, a public central office of regional territorial scope can perfectly provide services with technical means beyond the spatial scope for which it was created.

In both cases, the electronic form converts the multiplicity of legal regimes into a common currency for the same activity of the same subject. This does depend on the territory where its operation takes effect, all without prejudice to the legal security deficit that can lead to the determination of applicable international law.

The most immediate assessment that can be made on this point is that technical means have profoundly transformed the world of tourism mediation. The decline of physical travel agencies has not been compensated in favor of the proliferation of electronic reservation centers, as would have been logical. Instead, the online agencies are born to perform their traditional functions as well as those assigned to the reservation centers, which they absorb. Thus in practice, regulation is developing without application objects, and perhaps for this reason -as we will analyze below- the autonomous regulations will eliminate the regulation of the reservation centers.

In addition, the online agencies move on to commercializationof their own tourist services (passenger transport companies, hotel chains, etc.), which are located outside intermediation, but for which there is no distinction in the eyes of the consumer. In any case, the legal relationship of the tourist consumer user is carried out with telematic means through a webpage. All this generates an undoubted confusion that the legislator must eradicate with strictly necessary norms of inescapable clarity.

If the scope of application of the regional laws of tourism is taken into account, it is observed that all of them project their content to all the agents who either have their registered office in the región or province or whoexercise their activity in their territory. Obviously there can be cases of companies located in another territory, national or foreign, which are governed by the regulations of their registered office, reserving a hotel stay for a user who is in a regionwith different regulations.

Traditionally, the principle of territoriality has produced few problems to the extent that the location of economic and commercial activities has been a constant. On the other hand, electronic commerce makes possible communications between absentees and the need to have security variables in communications, such as the authenticity of senders and receivers, the integrity of messages, and non-repudiation.

All this leads to a crisis of the principle of territoriality in the determination of applicable law. With technical means and remote contracting, this principle becomes absolutely sterile and thus a source of problems rather than solutions. The electronic contractual relationships are outside the time and space factor: they do not know about schedules or physical locations. A user can contract with a reservation center from anywhere in any country, and in that case cannot determine the territorial norm of the geophysical place from which the service comes, nor can they go to the region where you have your civil neighborhood. In this sense, if the technical means allow us to overcome physical borders, it is not possible to anchor civil or mercantile relations within legal borders. Hence, the harmonization of legal regimes in the field of tourism, and especially as regards the administrative regulation of reserve centers, which have a clearly international vocation, becomes an urgent need (Sosa Wagner and Fuertes 2013). To this difficulty, it will be necessary to add the specific normative regulation in each region, which -as we have seen- presents differences that are not always nuanced.

Tourist Stays in Homes and Technical Means

The use of technical means has led to a new tourist model very different from the conventional one. In fact, tourism contracting has experienced a technological, economic, social and evidently legal revolution without precedent in recent years. The appearance of search portals, the provision of information and the comparison of offers subsequently led to the contracting of hotel accommodation through electronic reservation centers or internet portals, based on the undoubted advantages of immediacy and savings. However, costs of this new method do exist, namely from exposure to other problems, such as fraud, or risks regarding data protection and online reputation (BauzáMartorell 2018).

In recent seasons the tourist marketing channels -located in the secure electronic means of payment- have incorporated stays in vast categories of housing, including either single-family homes or horizontal property regimes, urban or rustic land, coastal or inland. This has generated a series of unforeseen

approaches, such as an alternative accommodation to the hotelier, a massification of destinations, higher consumption of resources (water, energy), greater generation of waste, and even the protest of social sectors that censor known phenomena through gentrification (Horton andZeckhauser 2016).

This conversion of any owner into an entrepreneur is framed in the context of the collaborative economy, although one must distinguish the specific assumptions related to the collaborative economy (like a mere exchange of rooms) from those in which a mediator -with professionalism and regularity- places a supply and a demand in contact in exchange for a price. In this sense, the collaborative economy strictly speaking would be that of mere exchange between individuals (guesttoguest or homeforhome); on the other hand, those platforms that charge a commission and have a portal that orders by price fulfill a purpose of mediation that distorts the collaborative purpose.

Be that as it may, it is necessary to analyze how this possibility has legally come about, from the evolution of the seasonal lease to the sectoral regulation of tourism, in order to observe the different responses of legislators to this phenomenon, but not before determining the problems that generate urbanistically the coexistence of different uses in the same property, or even if tourist housing can suppose an action of unfair competition with respect to hotel accommodation.

The marketing channel becomes the element that distinguishes the submission of seasonal lease to civil or tourism legislation. According to the sectoral legislation on tourism - as we will see in the corresponding section - the commercialization of sporadic leasing of a house through a tourist channel determines the application of the autonomous tourism regulations.

The problem that arises in this point consists of verifying the characteristics that make a channel of distribution tourist, because it is very difficult to appreciate a specific kind of tourist channel in a site of the network.

In fact, no one disputes the tourist character of a travel agency or a central reservation for example, which can even be electronic. However, a network platform is not in itself a tourist channel. In any case, it will be a marketing channel for temporary accommodation, but it does not have to be for tourism.

Tourist activity is characterized by the notes of professionalism and habituality, and it turns out that housing that is leased, even temporarily, can be sporadic. Think, for example, of the owner who enjoys part of the year at his habitual residence, and yet during some season he rents it.

There are websites dedicated specifically to short stays in homes. We refer to Airbnb, Wimdu, HomeAway, mad4rent, and onlyapartaments, which will be considered tourist marketing channels simply because all their offers are for short durations. On the other hand, portals like El idealistamay classify advertisements into three categories: buy, rent and share; that is, the same portal includes seasonal and holiday rentals. Does that mean that El idealista is a tourist marketing channel within real estate that announces to the sharing class and is not in all the others?

Consequently, the marketing channel note is a weak factor of integratinga tourist lease, and in the extreme can cause difficulties in the sanctioning procedure to a tourist house.The Tourist Administration will resolve a sanction

against the owner of a house for the fact of it being commercialized in an internet portal, without constituting purely tourist marketing (GuaschPortas andSolerFuensanta 2014).

The technological revolution of tourist contracting knows no borders, allowing - as is obvious - the realization of remote transactions between operators that are subject to different, and perhaps even contradictory, regulations. Hence, a supranational harmonization effort for the regulation of tourist rentals is essential.

The European Union is sensitive to this issue, and thus issued the Directive (EU) 2015/1535 of the European Parliament and the Council, on September 9, 2015, which establishes an information procedure regarding technical regulations and rules regarding the services of the information society.

In addition, the Communication from the Commission COM (2016) 356 final of June 2, 2016, A European Agenda for the Collaborative Economy, admits the need to regulate collaborative platforms in terms of tourist accommodation (short-term rental), transport of people, services for housing, and professional and technical services.

At the same time, the European Commission is concerned about the provision of services by individuals and admits the regulatory dispersion:

> *In the short-term housing sector, some cities allow short-term leases and shared house services without prior authorization or registration requirements. This would be the case when services are provided on an occasional basis, that is, up to specific thresholds of, for example, less than ninety days per year. Other cities apply different rules depending on whether the property is a primary or secondary residence, based on the assumption that the primary residence of a citizen can only be rented on an occasional basis.*

In this communication, the European Union is committed to proactively supporting innovation, competitiveness and growth opportunities offered by the modernization of the economy. However, it does not forget that compliance with applicable rules and obligations must be guaranteed, especially in terms of consumer protection. Accordingly, "States are encouraged to clarify their national situation in a similar way. The Commission is willing to work with the member states and the relevant authorities to support them in this process."

Internet platforms, as we said, generate an inevitable expansion of tourist housing, the legal problematics of which are not exclusive to our country. In the case of Portugal, Decree Law 128/2014, issued on August 29, in its wording operated by Decree Law 63/2015, of April 23, regulates the figure of local housing, which encompasses the so-called dwelling, the apartment and the lodging establishments.

The dwelling is reminiscent of the Spanish holiday home and is a local accommodation establishment consisting of an autonomous, single-family building. On the other hand, accommodation establishments consist of real estate properties that rent out tourist rooms (Article 3).

The curious thing about the Portuguese regulation is that the lodging itself and the establishment of such only form part of the typology of the local lodgings; but from this classification, the judicial regime of the lodging and that of the lodging establishments is common to one of the apartments. All of them must be registered as establishments at the Municipal Chamber, because they are local establishments (Article 5). The application is sent through prior communication (Article 6), which requires the verification of the municipal authorities within 30 days (Article 8).

From here, the Decree Law regulates the capacity requirements of the accommodation units (Article 11), facilities and services (outdoor lighting, water, hygiene ... Article 12), and the requirement for civil liability insurance (Article 13). It also requires the identification of the owner of the exploitation for the purpose of debugging responsibilities (Article 16), the display of an identification plate (Article 18) or the existence of a book of claims (Article 20).

In terms of control and sanctions, the Decree Law places special emphasis on a triple control: the Food and Economic Security Authority (ASAE), the Tax and Customs Authority (TA), and the public body Turismo de Portugal, IP.

As a result, we can see that the Portuguese regulation of tourist rentals is not very different from the Spanish one, with a lower degree of administrative intervention and with the peculiarity of the resemblance with the tourist apartments. That is to say, Portugal considers tourist accommodation a purely tourist accommodation system, without considering the compatibility of other potential urban uses.

The same degree of confusion and uncertainty suffered in Spain can be found in Portugal. The discussion between residential and tertiary use is replaced by meta-questions of comfort and noise. Thus, the Tribunal da Relaçao do Porto in its Decisions of September 15, 2016 and April 27, 2017 analyzes the confrontation between tourist rentals and horizontal properties, considering that "the right to rest and tranquility" of neighbors should prevail overthe benefits of temporary accommodation.

Italy for its part has in common with Spain that tourism is a regional competition, so that it is necessary to be in charge of the regulation of each of the twenty regions. In general, these Laws contemplate the case ofappartamenti per vacanze, which is subject to authorization of the commune and requires prior classification. Italian tourist housing has expressly forbidden the supply of food and drink to users. Moreover, norms with general character enumerate the facilities and supplies with which the buildings must comply, although not with the degree of detail found in Spain.

It is not only the states that regulate this matter. Major world capitals must do the same. Thus, New York approved the Multiple Dwelling Law on October 21, 2016, which sanctions fines of up to 7,500 euros for rentals of less than thirty days, while allowing the rental of rooms provided that the owner resides in the property. Paris submitted a policy of tourist registration from December 1, 2017, and decided to charge a tourist tax to the users of the same.The city emphasized these new controls with 25 inspectors dedicated to monitoring compliance with tourism regulations of 65,000 houses that are offered on

tourist platforms. Berlin, on the other hand, requires a municipal license to offer housing for tourist rentals and sanctions clandestine activity with fines of up to 100,000 euros.

Conclusions

In the context of a general digital transformation of society and economy, which covers all social segments and economic sectors (education, health, energy, transport, etc.), tourism may be the one that has experienced the most intense variation on the occasion of technical means.

The new dimension of tourism contracting - at a distance, on the one hand, and with the intervention of mediating agents (online travel agencies, electronic tourist reservation centers) that operate from any State through digital platforms, on the other hand –have created a radically different form to the conventional one in the juridical relationship between users and providers of tourist services. This invariably has forced the Administration to modulate and adapt its intervention in the sector.

In this sense, until recently the Administration deployed its administrative policing functions through prior control and authorization techniques (previous sectoral licenses), and a posteriori control through tourism inspection. On the other hand, the proliferation of new forms of tourism contracting, once the previous license has been replaced by the responsible declaration, obliges the Administration to make use of the same technical means as the tour operators and to analyze if the rights of the tourists are being respected (mainly their freedom of opinion in comments made on social networks) or if, on the contrary, they are being violated. For instance, penaltiesmay be imposed by the owners of the technical media in the face of negative opinions expressed by users, fraudulent false negative opinions that seek to discredit competitors, or attempts to gain their own benefits in the form of discounts or free accommodation.

The analysis of the present reality announces a new paradigm of the juridical relation in matters of tourism based on technological innovation and the opening of data. The possibilities of macro data and open data give rise to a new category of data that is very different from conventional data and which legislators did not contemplate when preparing the current legal regime of data protection.

For obvious reasons, the advantages of technological innovation, in general and in tourism in particular, cannot eliminate the guarantees of data holders, apprehended for commercial purposes without their consent and regardless of the principle of proportionality. The user who consults the price of a tourist accommodation or transport is not consenting that this data be managed to offer an increasingly higher price in subsequent consultations from the same computer terminal or electronic device.

The preceding analysis undoubtedly confirms the weakness in our administrative legal system regarding specific protections for the final consumer who hires tourist services through an electronic reservation center.

In fact and as already stated, whether in sectoral legislation on tourism, in the regulations for the protection of consumers and users, or in internal trade, in our public law references to this issue are merely testimonial.

Thus, and with regard to sectoral legislation on tourism, the regional regulations regulate the rights and obligations of users of tourist services, among which is the right to information. However, there is no specific protection for the end user of tourist services in this list of standards.

Secondly, the regulations on the defense of consumers and users, whether state or autonomous, also do not specifically contemplate this protection to which we refer, exclusively leading the guarantee of the final user who contracts with electronic tourist reservation centers to the right of information, the withdrawal, and the guarantees of the execution of the contracts.In general, this protection is aimed at information, that is, at the data that is offered both in the provision itself (quality levels), and especially in terms of price.

Consequently,our conclusion is that the protection of the end user who contracts with an electronic reservation center is not complete. The legal operator must go to the general scheme of management tourism, defense of consumers and users, and internal trade, integrating the existing gaps with the general principles of law.

The obligatory conclusion of the preceding analysis is that the normative instruments in force have become obsolete andfar removed from the social reality that they are supposed to regulate. Worse than that, they are obsolete because it is physically impossible to fully validate the data holder's rights with consent. The macro data burst with such overwhelming force in the transmission of information that it is not effective to try to limit them by unequivocal consent. As such, it is urgent to design an integrative model of data management, which takes into account the combination and interconnection of data from multiple and varied sources, but especially the intervention of multiple subjects, and without forgetting essential interoperability.

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