

Email Tracking Review Checklist

Why is this relevant to me

The French and Italian privacy regulators have recently published guidance on the use of email tracking pixels. The guidance does not prevent organisations from sending marketing emails, but it does mean organisations should review how email engagement is tracked and used, particularly where recipients are based in France or Italy.

1. Identify affected recipients

- Do you send marketing emails to recipients in France and/or Italy?
- Can these contacts be easily identified within your email marketing platform (e.g. by country, list or segment)?

2. Review your consent

- How were these contacts originally collected?
- What consent wording were they shown?
- Were they informed that email engagement may be tracked?
- Review your approach with your legal or privacy advisers

3. Review your privacy information

Confirm your Privacy Notice explains:

- Email open tracking
- Click tracking
- What information is collected
- How the information is used
- Whether it is used for reporting, profiling or marketing automation

4. Review your email marketing platform setup

Consider whether you currently use:

- Open tracking
- Click tracking
- Open-rate reporting
- Resend to non-openers
- Segmentation based on opens
- Automated journeys triggered by opens
- Personalisation based on engagement
- Any integrations that use email engagement data

5. Agree your approach

Following advice from your legal or privacy advisers, determine whether you need to:

- Continue using tracking as currently configured
- Update your consent wording
- Update your Privacy Notice
- Introduce separate tracking consent
- Change how email performance is measured
- Apply a different approach for recipients in France and Italy

6. Review campaign reporting

If changes are made to email tracking, consider placing greater emphasis on the below, rather than relying primarily on email open rates:

- Click-through rate
- Website visits
- Form submissions
- Downloads
- Enquiries
- Conversions



Disclaimer

This checklist is for general guidance only and does not constitute legal advice. It reflects publicly available regulatory guidance from the French (CNIL) and Italian (Garante) data protection authorities at the time of publication. Regulatory positions are subject to change.

Organisations are responsible for determining their own compliance obligations and should seek independent legal or data protection advice before making any changes to their email marketing practices. The Think Tank accepts no liability for any action taken in reliance on this checklist.