DIDOMI

CNIL RECOMMENDATION · APRIL 2026

Tracking pixels in emails: What the CNIL recommendation changes

CNIL.
COMMISSION NATIONALE INFORMATIQUE & LIBERTÉS

01 · Understanding the CNIL recommendation

The CNIL recommendation addresses 3 key issues around email pixels:

- **Roles of the actors**
- **Consent required or exempted**
- **How consent is collected, withdrawn, and proven**

LEGAL FRAMEWORK

- **2009** — Revised ePrivacy Directive
- **2011** — French transposition Data Protection Act, art. 82
- **2020** — CNIL deliberation on web cookies
- **2024** — EDPB covers pixels in emails
- **APR. 2026** — **CNIL recommendation on tracking pixels in emails**

WHAT THE CNIL AIMS TO REGULATE

As soon as a pixel **reads or writes information** on the user's device beyond what is strictly necessary, the person's **consent is required**, just like for a cookie. Everything then depends on the purpose of the processing.

02 · Consent: required or exempted?

PURPOSES REQUIRING CONSENT

Campaign performance

Analyzing open rates to measure and optimize campaigns.

Personalization of content, frequency, and channel.

Profiles & cross-channel targeting

Building profiles to target people in other contexts (web, app, SMS, etc.).

Websites, mobile apps, other channels

Fraud detection

Unusual opens indicating automated behavior.

Contests, exfiltration attempts, etc.

Deliverability outside exemptions

Individual open-rate measurement outside strictly necessary cases.

Any deliverability use not listed as exempt.

EXEMPTED PURPOSES

Security / authentication

Measures contributing to user authentication

CNIL example: authentication code email verified on a known device. No legal basis required.

Strictly necessary deliverability

Individual measurement limited to:

- Cleaning inactive contacts
- Alternative contact channel
- Proof of a legal obligation to inform

CUMULATIVE CONDITIONS

Date only (no time) · Transactional or consented emails

Transactional emails

Messages triggered by a user action, informational or functional in nature.

Welcome · order · password · appointment · payment, etc.

03 · The 4 criteria of valid consent

Free
A choice made without constraint. No pre-ticked boxes.

Specific
Per distinct purpose. Granularity by default.

Informed
Scope understood. Email address and devices specified.

Unambiguous
A clear positive action. Unopened email = refusal.

04 · Your 5-step action plan

01

Audit · Map your email pixels

Identify all pixels, the actors involved (ESP, tracking provider), and the purpose of each processing activity. Document everything in your record of processing.

02

Analyze · Qualify each processing activity

For each purpose: is consent required, or does an exemption apply? Check that your transactional emails actually meet the CNIL definition.

03

Collect · Set up consent collection

Inform users (email address, device types, purposes). Offer a clear opt-in, easy withdrawal, and keep proof of consent.

04

Contracts · Put contractual frameworks in place with your providers

Review DPAs with your ESP (processor) and your tracking provider. For rented lists: clarify joint controller status.

05

Proof · Demonstrate compliance on an ongoing basis

Keep proof (who, when, how, for which purpose). Be ready to respond to a CNIL request at any time (art. 7(1) GDPR).

05 · What does it look like in practice?

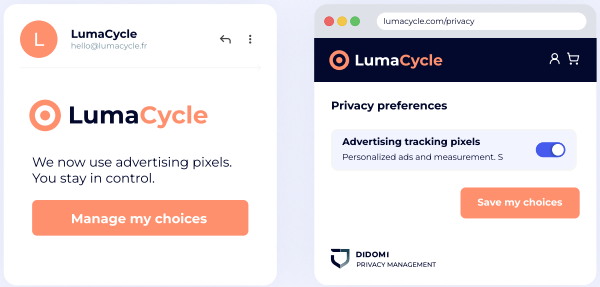
Use Case

Let's take the example of LumaCycle, a fictional e-bike shop using the Didomi CMP.

Reconfirming consent from your existing base

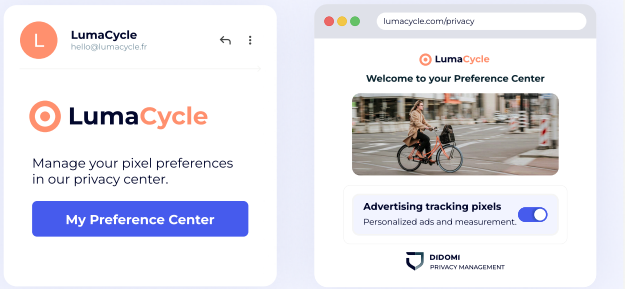
VARIANT 1 On your website - lumacycle.fr

Email → Login → Didomi Widget



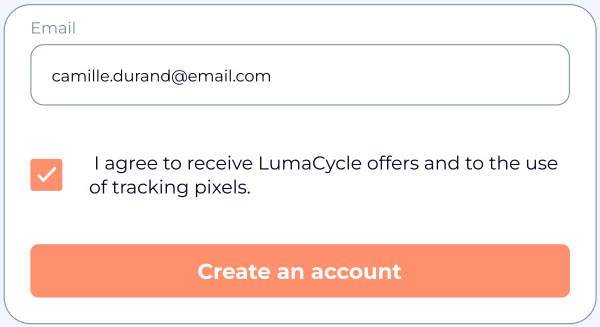
VARIANT 2 Hébergé par Didomi

Email → Login → Preference Center



Collecting consent at signup

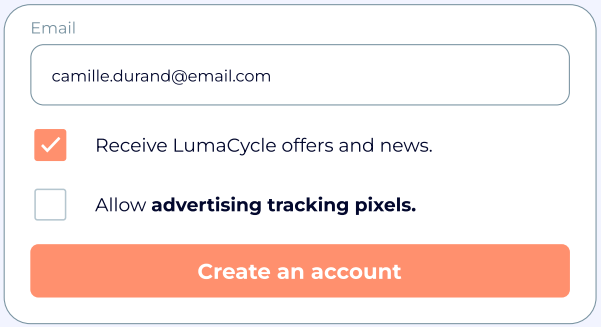
VARIANT 1 Bundled: a single checkbox



The simplest option: a single decision for the customer.

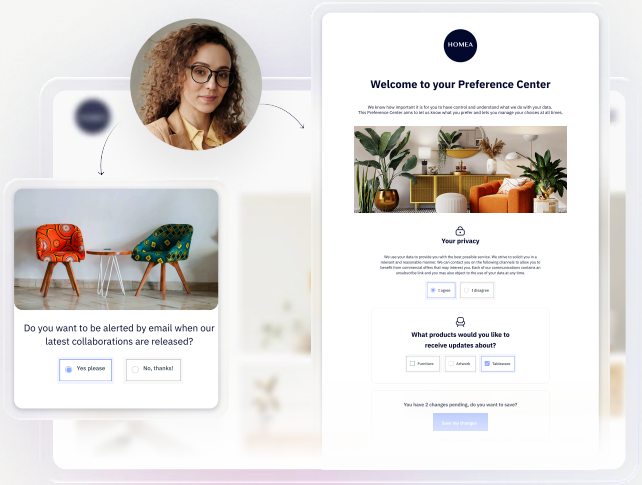
VARIANT 2 Separate: two checkboxes

Recommended



Granular : each purpose has its own proof.

With Didomi's Preference Management Platform, your customers can manage their choices at any time.



Granular by purpose

Pixels have their own toggle: grant or withdraw consent without touching anything else.

Proof recorded automatically

Every change is recorded by Didomi: audit-ready proof.

Synced everywhere

The user's latest choice applies across your website, app, and campaigns.

Make every pixel a consented pixel

Find out how Didomi can help.

Request a demo